

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Debra Morales Ruiz, An Individual, For
Herself And On Behalf Of And As
Pending Personal Representative Of The
Estate Of Alexander Chavez; Alex
George Chavez, An Individual,

Plaintiff,

V.

County Of Maricopa, A Governmental
Entity; Maricopa County Sheriff's Office,
A Governmental Entity; Maricopa
County Correctional Health Services, A
Governmental Entity; Brandon Smith
And Jane Doe Smith; Paul Penzone And
Jane Doe Penzone; Thomas Tegeler And
Jane Doe Tegeler; Kyle Moody And Jane
Doe Moody; Arturo Dimas And Jane Doe
Dimas; Tyler Park And Jane Doe Park;
Gerardo Magat And Jane Doe Magat;
Daniel Hawkins Jr. And Jane Doe
Hawkins; Javier Montano And Jane Doe
Montano; James Dailey And Jane Doe
Dailey; Trevor Martin And Jane Doe
Martin; Gregory Hertig And Jane Doe
Hertig; John Chester And Jane Doe
Chester; Jorge Espinosa Jr. And Jane Doe
Espinosa; Morgan Rainey And Jane Doe
Rainey; Stefanie Marsland And John
Does Marsland; And John And Jane Does
1-140

Defendants

NO. _____

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2 (A) Civil Cover Sheet

3 (B) State Court Record

4 Attachments:

5 1. Supplemental Cover Sheet

6 2. Recent State Court Docket

7 3. Complaint

8 4. Service Documents

9 5. Remainder of the State Court Record

10 6. Verification of Courtney R. Glynn

11 (C) Superior Court Notice of Removal to the Federal District Court

EXHIBIT A

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

<p>Plaintiff(s): Debra Morales Ruiz , ; Alex George Chavez , ;</p> <p>County of Residence: Maricopa</p> <p>County Where Claim For Relief Arose: Maricopa</p> <p>Plaintiff's Atty(s):</p> <p>Sean A. Woods , Mills + Woods Law, PLLC 5055 N 12th Street Suite 101 Phoenix, AZ 85014 (480) 999-4556</p> <p>Robert T. Mills , Mills + Woods Law, PLLC 5055 N 12th Street Suite 101 Phoenix, AZ 85014 (480) 999-4556</p>	<p>Defendant(s): Maricopa County , ; Paul Penzone , ; Arturo Dimas , ; Daniel Hawkins , ; Gregory Hertig , ; Trevor Martin , ; Javier Montano , ; Kyle Moody , ; Tyler Park , ; Brandon Smith , ; John Chester , ; Morgan Rainey , ; Stefanie Marsland , ;</p> <p>County of Residence: Maricopa</p> <p>Defendant's Atty(s):</p> <p>Courtney R. Glynn , Maricopa County Attorney's Office Civil Division 225 W. Madison Street Phoenix, AZ 85003 (602) 506-8541</p> <p>Michael E. Gottfried , Maricopa County Attorney's Office Civil Division 225 W. Madison Street Phoenix, AZ 85003 (602) 506-8541</p>
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IFP REQUESTED

REMOVAL FROM Maricopa COUNTY, CASE #CV2023-012042

<p><u>II. Basis of Jurisdiction:</u></p> <p><u>III. Citizenship of Principal Parties(Diversity Cases Only)</u></p> <p>Plaintiff:-</p> <p>Defendant:-</p> <p><u>IV. Origin :</u></p> <p><u>V. Nature of Suit:</u></p> <p><u>VI.Cause of Action:</u></p> <p><u>VII. Requested in Complaint</u></p> <p>Class Action:</p> <p>Dollar Demand:</p> <p>Jury Demand:</p>	<p>3. Federal Question (U.S. not a party)</p> <p>N/A</p> <p>N/A</p> <p>2. Removed From State Court</p> <p>440 Other Civil Rights</p> <p>42 U.S.C. 1983</p> <p>No</p> <p>N/A</p> <p>Yes</p>
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Signature: Courtney R. Glynn

Date: 11/29/2023

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

EXHIBIT B

State Court Record

Attachments:

1. Supplemental Cover Sheet
2. Recent State Court Docket
3. Complaint
4. Service Documents
5. Remainder of the State
Court Record
6. Verification of Courtney
R. Glynn

Attachment 1

**SUPPLEMENTAL CIVIL COVER SHEET
FOR CASES REMOVED FROM ANOTHER JURISDICTION**

This form must be attached to the Civil Cover Sheet at the time
the case is filed in the United States District Clerk's Office

Additional sheets may be used as necessary.

1. Style of the Case:

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code).

<u>Party</u>	<u>Party Type</u>	<u>Attorney(s)</u>
Debra Morales Ruiz; Alex George Chavez	Plaintiffs	Sean A. Woods (Arizona Bar #028930) Robert T. Mills (Arizona Bar #018853) MILLS + WOODS LAW, PLLC 5055 North 12th Street, Suite 101 Phoenix, Arizona 85014 Telephone 480.999.4556
Maricopa County, Sheriff Paul Penzone, Arturo Dimas, Daniel Hawkins, Gregory Hertig, Trevor Martin, Javier Montano, Kyle Moody, Tyler Park, Brandon Smith, John Chester, Morgan Rainey, and Stefanie Marsland	Defendants	Courtney R. Glynn , Deputy County Attorney Michael Gottfried, Deputy County Attorney Maricopa County Attorney's Office 225 W Madison St. Phoenix, Arizona 85003 6025068541
Correctional Health Services, Thomas Tegeler, Jorge Espinosa, Gerardo Magat, and James Dailey	Defendants	Unserved

2. Jury Demand:

Was a Jury Demand made in another jurisdiction? Yes ☒ No ☐

If "Yes," by which party and on what date?

Plaintiff

3. Answer:

Was an Answer made in another jurisdiction? Yes ☐ No ☒

If "Yes," by which party and on what date?

4. Served Parties:

The following parties have been served at the time this case was removed:

<u>Party</u>	<u>Date Served</u>	<u>Method of Service</u>
Maricopa County	October 30, 2023	Process Server
Sheriff Penzone, Dimas, Hawkins, Hertig, Martin, Montano, Moody, Park, Smith	October 31, 2023	Process Server
Chester, Rainey, Marsland	November 21, 2023	Acceptance of Service by Attorney

5. Unserved Parties:

The following parties have not been served at the time this case was removed:

<u>Party</u>	<u>Reason Not Served</u>
Correctional Health Services; Thomas Tegeler; Jorge Espinosa, Gerardo Magat, James Dailey	Unknown

6. Nonsuited, Dismissed or Terminated Parties:

Please indicate changes from the style of the papers from another jurisdiction and the reason for the change:

<u>Party</u>	<u>Reason for Change</u>
N/A	

7. Claims of the Parties:

The filing party submits the following summary of the remaining claims of each party in this litigation:

<u>Party</u>	<u>Claims</u>
Plaintiffs	4th, 8th, and 14th Amendment violations; Arizona common and statutory law

Pursuant to 28 USC § 1446(a) a copy of all process, pleadings, and orders served in another jurisdiction (State Court) shall be filed with this removal.

Attachment 2

Select Language 

Powered by Google Translate

Civil Court Case Information – Case History

Case Information

Case Number: CV2023-012042 Judge: Hannah, John
 File Date: 8/8/2023 Location: Downtown
 Case Type: Civil

Party Information

Party Name	Relationship	Sex	Attorney
Debra Morales Ruiz	Plaintiff	Female	Sean Woods
Estate Of Alexander Chavez, The	Plaintiff		Sean Woods
Alex George Chavez	Plaintiff	Male	Sean Woods
County Of Maricopa	Defendant		Pro Per
Maricopa County Sheriffs Office	Defendant		Pro Per
Maricopa County Correctional Health Services	Defendant		Pro Per
Brandon Smith	Defendant	Male	Pro Per
Paul Penzone	Defendant	Male	Pro Per
Thomas Tegeler	Defendant	Male	Pro Per
Kyle Moody	Defendant	Male	Pro Per
Arturo Dimas	Defendant	Male	Pro Per
Tyler Park	Defendant	Male	Pro Per
Gerardo Magat	Defendant	Male	Pro Per
Daniel Hawkins	Defendant	Male	Pro Per
Javier Montano	Defendant	Male	Pro Per
James Dailey	Defendant	Male	Pro Per
Trevor Martin	Defendant	Male	Pro Per
Gregory Hertig	Defendant	Male	Pro Per
John Chester	Defendant	Male	Pro Per
Jorge Espinosa	Defendant	Male	Pro Per
Morgan Rainey	Defendant	Female	Pro Per
Stefanie Marsland	Defendant	Female	Pro Per

Case Documents

Filing Date	Description	Docket Date	Filing Party
11/21/2023	ACS - Acceptance Of Service	11/28/2023	
NOTE: Acceptance of Service OF PROCESS			
11/2/2023	AFS - Affidavit Of Service	11/3/2023	
NOTE: THE COUNTY OF MARICOPA			
11/2/2023	AFS - Affidavit Of Service	11/3/2023	
NOTE: CAPTIN BRANDON SMITH			
11/2/2023	AFS - Affidavit Of Service	11/3/2023	
NOTE: PAUL PENZONE			
11/2/2023	AFS - Affidavit Of Service	11/3/2023	
NOTE: KYLE MOODY			
11/2/2023	AFS - Affidavit Of Service	11/3/2023	
NOTE: ARTURO DIMAS			
11/2/2023	AFS - Affidavit Of Service	11/3/2023	
NOTE: TYLER PARK			
11/2/2023	AFS - Affidavit Of Service	11/3/2023	
NOTE: DANIEL HAWKINS JR			
11/2/2023	AFS - Affidavit Of Service	11/3/2023	
NOTE: JAVIER MONTANO			

[illegible]

8/8/2023	SUM - Summons	8/9/2023
NOTE: Summons		
8/8/2023	SUM - Summons	8/9/2023
NOTE: Summons		
8/8/2023	SUM - Summons	8/9/2023
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8/8/2023	SUM - Summons	8/9/2023
NOTE: Summons		
8/8/2023	CSH - Coversheet	8/9/2023
NOTE: COVERSHEET		
8/8/2023	COM - Complaint	8/9/2023
NOTE: COMPLAINT		

Case Calendar

There are no calendar events on file

Judgments

There are no judgments on file

Attachment 3

1 Sean A. Woods (Arizona Bar #028930)
2 Robert T. Mills (Arizona Bar #018853)
3 **MILLS + WOODS LAW, PLLC**
4 5055 North 12th Street, Suite 101
5 Phoenix, Arizona 85014
6 Telephone 480.999.4556
7 docket@millsandwoods.com
8 swoods@millsandwoods.com
9 *Attorneys for Plaintiffs*

10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MARICOPA**

12 DEBRA MORALES RUIZ, an individual,
13 for herself and on behalf of and as pending
14 Personal Representative of THE ESTATE
15 OF ALEXANDER CHAVEZ; ALEX
16 GEORGE CHAVEZ, an individual,

17 Plaintiffs,

18 vs.

19 COUNTY OF MARICOPA, a
20 governmental entity; MARICOPA
21 COUNTY SHERIFF'S OFFICE, a
22 governmental entity; MARICOPA
23 COUNTY CORRECTIONAL HEALTH
24 SERVICES, a governmental entity;
25 BRANDON SMITH and JANE DOE
26 SMITH; PAUL PENZONE and JANE
27 DOE PENZONE; THOMAS TEGELER
28 and JANE DOE TEGELER; KYLE
MOODY and JANE DOE MOODY;
ARTURO DIMAS and JANE DOE
DIMAS; TYLER PARK and JANE DOE
PARK; GERARDO MAGAT and JANE
DOE MAGAT; DANIEL HAWKINS JR.
and JANE DOE HAWKINS; JAVIER
MONTANO and JANE DOE MONTANO;
JAMES DAILEY and JANE DOE
DAILEY; TREVOR MARTIN and JANE
DOE MARTIN; GREGORY HERTIG and
JANE DOE HERTIG; JOHN CHESTER
and JANE DOE CHESTER; JORGE

CASE NO: CV2023-012042

COMPLAINT

(JURY TRIAL DEMANDED)

1 ESPINOSA JR. and JANE DOE
 2 ESPINOSA; MORGAN RAINEY and
 3 JOHN DOE RAINEY; STEFANIE
 4 MARSLAND and JOHN DOE
 MARSLAND; and, JOHN AND JANE
 DOES 1-40,

5
 6 Defendants.

7
 8 Plaintiffs Debra Morales Ruiz (“Debra”), the Estate of Alexander Robert Chavez
 9 (“Alexander”), and Alex George Chavez (“George”), by and through their attorneys, Mills
 10 + Woods Law PLLC, for their Complaint against Defendants Maricopa County
 11 (“Maricopa”), Maricopa County Sheriff’s Office (“MCSO”), Maricopa County
 12 Correctional Health Services (“CHS”), Brandon Smith (“Smith”), Paul Penzone
 13 (“Penzone”), Thomas Tegeler (“Tegeler”), Kyle Moody (“Moody”), Arturo Dimas
 14 (“Dimas”), Tyler Park (“Park”), Gerardo Magat (“Magat”), Daniel Hawkins Jr.
 15 (“Hawkins”), Javier Montano (“Montano”), James Dailey (“Dailey”), Trevor Martin
 16 (“Martin”), Gregory Hertig (“Hertig”), John Chester (“Chester”), Jorge Espinosa Jr.
 17 (“Espinosa”), Morgan Rainey (“Rainey”), and Stefanie Marsland (“Marsland”)
 18 (collectively “Defendants”) allege and state as follows:
 19

20 INTRODUCTION

- 21 1. Alexander Chavez was a young and vibrant 32-year-old.
- 22 2. He made mistakes, was arrested, and was booked into the Lower Buckeye
 23 Jail.
- 24 3. He was a loving son, brother, and uncle and doted on his family, providing
 25 emotional and financial support to them.
- 26 4. He had his whole life ahead of him and was trying his best to get back on his
 27 feet.
 28

1 13. Defendant CHS is a governmental entity that acts by and through its officials,
2 employees and agents, including without each of the Defendants Tegeler, Chester, Rainey,
3 and Marsland.

4 14. Defendant Captain Brandon Smith was at all times relevant to this complaint,
5 a Captain of the MCSO's Detention division and is sued in his official and individual
6 capacity. He is tasked with oversight of the MCSO Detention centers and employees under
7 his command and is responsible for all policies and procedures promulgated by the MCSO.
8 He is an agent of Maricopa and the MCSO, operating in his official and individual capacity
9 in Maricopa County, Arizona.

10 15. Defendant Sheriff Paul Penzone is sued in her official and individual
11 capacity. He was tasked with oversight of the MCSO and was responsible for all policies
12 and procedures promulgated by the MCSO. He is an agent of Maricopa and the MCSO,
13 operating in his official and individual capacity in Maricopa County, Arizona.

14 16. Defendant Officer Kyle Moody is employed by, and serving as an agent of,
15 Maricopa, and the MCSO. At all relevant times he was operating in his official and
16 individual capacity in Maricopa County, Arizona.

17 17. Defendant Officer Arturo Dimas is employed by, and serving as an agent of,
18 Maricopa, and the MCSO. At all relevant times he was operating in his official and
19 individual capacity in Maricopa County, Arizona.

20 18. Defendant Officer Tyler Park is employed by, and serving as an agent of,
21 Maricopa, and the MCSO. At all relevant times he was operating in his official and
22 individual capacity in Maricopa County, Arizona

23 19. Defendant Officer Gerardo Magat is employed by, and serving as an agent
24 of, Maricopa, and the MCSO. At all relevant times he was operating in his official and
25 individual capacity in Maricopa County, Arizona.

1 20. Defendant Officer Daniel Hawkins, Jr. is employed by, and serving as an
2 agent of, Maricopa, and the MCSO. At all relevant times he was operating in his official
3 and individual capacity in Maricopa County, Arizona.

4 21. Defendant Officer James Dailey is employed by, and serving as an agent of,
5 Maricopa, and the MCSO. At all relevant times he was operating in his official and
6 individual capacity in Maricopa County, Arizona.

7 22. Defendant Officer Trevor Martin is employed by, and serving as an agent of,
8 Maricopa, and the MCSO. At all relevant times he was operating in his official and
9 individual capacity in Maricopa County, Arizona.

10 23. Defendant Officer Gregory Hertig is employed by, and serving as an agent
11 of, Maricopa, and the MCSO. At all relevant times he was operating in his official and
12 individual capacity in Maricopa County, Arizona

13 24. Defendant Thomas Tegeler was at all relevant times in this complaint upon
14 information and belief the Director of CHS, employed by, and serving as an agent of,
15 Maricopa, and CHS. At all relevant times he was operating in his official and individual
16 capacity in Maricopa County, Arizona.

17 25. Defendant John Chester is employed by, and serving as an agent of,
18 Maricopa, and CHS. At all relevant times he was operating in his official and individual
19 capacity in Maricopa County, Arizona.

20 26. Defendant Morgan Rainey is employed by, and serving as an agent of,
21 Maricopa, and CHS. At all relevant times he was operating in his official and individual
22 capacity in Maricopa County, Arizona.

23 27. Defendant Stefanie Marsland is employed by, and serving as an agent of,
24 Maricopa, and CHS. At all relevant times he was operating in his official and individual
25 capacity in Maricopa County, Arizona.

1 28. Defendants Smith, Penzone, Moody, Dimas, Park, Magat, Hawkins, Dailey,
2 Martin, Tegeler, Chester, Rainey, Marsland, and Hertig were acting for the benefit of their
3 respective marital communities, if any, and therefore their respective marital communities
4 are liable for their actions as set forth herein. Accordingly, Defendants Jane Doe Smith,
5 Jane Doe Penzone, Jane Doe Moody, Jane Doe Dimas, Jane Doe Park, Jane Doe Magat,
6 Jane Doe Hawkins, Jane Doe Dailey, Jane Doe Martin, Jane Doe Tegeler, Jane Doe
7 Chester, John Doe Rainey, John Doe Marsland, and Jane Doe Hertig are named as
8 Defendants herein.

9
10 29. Defendant Maricopa is vicariously liable under the principle of *respondeat*
11 *superior* for the actions and inactions of the employees of the MCSO, CHS, and any private
12 contractors including those employees or contractors named as defendants in this action,
13 as to any claims that are asserted by Plaintiffs as a result of violations of the Arizona
14 Constitution and Arizona common law because, at all relevant times, those Defendants
15 were acting within the course and scope of their employment or contract with MCSO, CHS,
16 or entities privately contracted with MCSO or CHS.

17 30. Defendant MCSO is vicariously liable under the principle of *respondeat*
18 *superior* for the actions and inactions of the employees of the MCSO and any private
19 contractors including those employees or contractors named as defendants in this action,
20 as to any claims that are asserted by Plaintiffs as a result of violations of the Arizona
21 Constitution and Arizona common law because, at all relevant times, those Defendants
22 were acting within the course and scope of their employment or contract with MCSO or
23 entities privately contracted with MCSO.

24
25 31. Defendant CHS is vicariously liable under the principle of *respondeat*
26 *superior* for the actions and inactions of the employees of the CHS and any private
27 contractors including those employees or contractors named as defendants in this action,
28

1 as to any claims that are asserted by Plaintiffs as a result of violations of the Arizona
2 Constitution and Arizona common law because, at all relevant times, those Defendants
3 were acting within the course and scope of their employment or contract with CHS or
4 entities privately contracted with CHS.

5 32. For purposes of Plaintiffs' claims arising under Federal law, including
6 without limitation the United States Constitution and 42 U.S.C. §1983 *et seq.*, and as may
7 be relevant to Plaintiff's state law claims, at all relevant times described herein, Defendants
8 were acting under color of state law.
9

10 **JURISDICTION AND VENUE**

11 33. Pursuant to 42 U.S.C. §1983 *et seq.*, Plaintiffs bring this action for violations
12 of the United States Constitution, including without limitation the Fourth, Eighth, and
13 Fourteenth Amendments and Arizona common and statutory laws.

14 34. The amount in controversy exceeds the minimal jurisdictional limits of this
15 Court.

16 35. To the extent applicable, and without conceding that said statute applies,
17 Plaintiffs have served their Notice of Claim upon Defendants in compliance with A.R.S.
18 §12-821.01, *et seq.* More than sixty (60) days have expired since Plaintiffs served their
19 Notice of Claim and Defendants have not responded in any manner to said Notice of Claim.
20

21 36. Pursuant to Article 6, Section 14 of the Arizona Constitution, this court has
22 original subject matter jurisdiction in this Complaint because the claims relate to causes of
23 action, the underlying acts and/or omissions for which, at all times relevant, have caused
24 the events alleged herein to occur with primary effect in Maricopa County, Arizona.

25 37. Venue is proper in that the specific acts giving rise to the causes of action
26 alleged herein occurred with primary effect in Maricopa County, Arizona.
27
28

FACTUAL ALLEGATIONS

38. On August 5, 2022, in Chavez' intake documents, the Jail classified him properly as a sub-classification of "Psychiatric."

39. Despite this initial sub-classification, Chavez was sent to General Population on August 6, 2022.

40. Chavez attempted suicide shortly after being booked.

FIRST SUICIDE ATTEMPT

41. On August 6, 2022, upon information and belief, Chavez attempted to take his life by overdosing on seven pills of fentanyl. He was found with a baggy of over 250 Fentanyl pills.

42. Chavez was transferred to the hospital and told the attending physicians that he had snorted seven (7) fentanyl pills.

43. How fentanyl made it into Chavez' hands at a secured Jail facility is beyond comprehension.

44. MCSO, CHS, and their employees, agents, medical professionals, and officers are there to prevent unauthorized drugs, weapons, and other restricted materials from being introduced into the Jail. Chavez was only there for one day before he was able to get his hands on enough fentanyl to attempt suicide.

45. Chavez got his hands on the pills and attempted suicide.

46. A note was added to Chavez' file on August 6, 2022 by stating "SUICIDE PREVENTION/AWARENESS FLYER PROVIDED TO INMATE."

47. This was added to the file by both Morgan Rainey and John Chester.

48. At that very moment Chavez should have and was required to have been kept in the psychiatric unit and placed on suicide watch according to Maricopa, MCSO and CHS policies and procedures.

MILLS + WOODS LAW, PLLC
5055 North 12th Street, Ste 101
Phoenix, AZ 85014
Telephone: 480.999.4556

1 49. Maricopa, MCSO, CHS, their employees, agents, and officers failed in the
2 most basic of tasks.

3 50. To be clear, had Chavez been put on suicide watch, he would still be alive
4 today.

5 51. By failing to meet even the least stringent requirements, and by placing
6 Chavez back into general population – rather than on suicide watch – Maricopa, MCSO,
7 CHS, their employees, agents, and officers implicitly signed Chavez’ proverbial death
8 warrant.

9 52. To attempt to cover their actions, Rainey had Chavez sign a waiver form
10 refusing Administrative Restrictive Housing.

11 53. They just let an opiate addict who had just attempted to end his life enter
12 general population.

13 54. Adding further insult to injury, Maricopa, MCSO, CHS, their employees,
14 agents, and officers disciplined Chavez for Promoting Prison Contraband and Possession
15 of an Unauthorized Substance – added to Chavez’ file by John Chester.

16 55. There were ample opportunities and reasons to assign Chavez to the proper
17 classifications and put him on suicide watch.

18 56. None of the Defendants did so.

19 57. It is clear that Maricopa, MCSO, CHS, their employees, agents, and officers
20 only concern was to punish Chavez – not to properly classify him and put him on suicide
21 watch to prevent his death.

22 58. Maricopa, MCSO, CHS, their employees, agents, health professionals, and
23 officers knew that Chavez was going to be facing severe opiate withdrawals.

24 59. In fact, medical records show that Chavez was seen by staff because he was
25 opiate dependent, was in severe withdrawal, was classified as “Red Dot” due to an acute
26

1 illness, was supposed to be put on opiate protocol with medications, and was required to
2 be put in a lower bunk.

3 60. Chavez – nearly immediately after being placed in general population began
4 experiencing extreme symptoms of opiate withdrawal.

5 61. On August 7, 2022, he was found in the fetal position in the day room holding
6 his breath.

7 62. When staff threatened him with being placed in a monitored room, he reacted
8 by breathing.

9 63. They placed him and his “mat” back into his jail cell and left him there.

10 64. On August 8, 2022, an unknown RN Nurse Manager updated Chavez’ file to
11 indicate he had a history of severe opiate withdrawal.

12 65. The records show that he was supposed to be placed under opiate protocol
13 and administered multiple prescriptions including Hydroxyzine, Loperamide, and
14 Ondansetron.

15 66. Records show that only one dose of Hydroxyzine was administered.

16 67. Defendants left him alone in his cell without administering further
17 medications to help Chavez survive his withdrawal symptoms.

18 68. Chavez was in extreme pain and distress having to deal with his withdrawal
19 symptoms without assistance.

20
21 **SECOND SUICIDE ATTEMPT AND SUBSEQUENT DEATH**

22 69. Had Defendants actually followed the opiate protocol and performed any of
23 their basic duties and procedures, Chavez would not have dealt with the awful side effects
24 of opiate withdrawal.
25
26
27
28

70. According to a study from the National Library of Medicine on Opiate Withdrawal: Opioid withdrawal syndrome is a life-threatening condition resulting from opioid dependence.

71. Had Defendants actually cared about the life and safety of Chavez, his withdrawal symptoms would have been manageable.

72. Had he been on suicide watch in the psychiatric unit, he would not have had the opportunity to attempt suicide again and certainly would have been found much sooner following his suicide attempt.

73. This critical time – at least 25 minutes unattended – caused Chavez to suffer severe brain injuries that ultimately led to his death.

74. According to records:

Alexander Chavez is a 31-year-old male seen by stroke neurology on 8/8/2022 for a right vertebral artery thrombus, V2 segment. He is seen following transfer from jail where he was found following hanging by the neck, having been unattended for an estimated 25 minutes.

When he was initially found by the officer in his charge no pulses were palpable. CPR was performed for 10 minutes.

Upon arrival of EMS he was intubated. He was subsequently transferred to BUMCP. Unclear when ROSC was achieved.

He received 5 mg midazolam and 250 mg phenobarbital in the trauma bay due to movements that were interpreted as potential seizure activity.

CT head without contrast was, per my independent review, uninterpretable due to motion artifact, although the radiology report does indicate that there is concern for anoxic brain injury.

CT angiogram of the head and neck, per my review, does show a thrombus in the right vertebral artery, V2 segment, at the level of C3–4 vertebrae.

#Intravascular thrombus, V2 segment of right vertebral artery at the level of C3-4 vertebrae

#Concern for anoxic brain injury

1 #Found following presumptive suicide attempt, hanging in jail, pulseless
2 when found

3 #UDS positive for methamphetamine

4 75. Furthermore, according to records, Chavez presented as a trauma red for
5 evaluation after being found hanging. Records note that:

6 Patient was found hanging in his cell at a local jail. He was noted to still be
7 touching the ground and presumed to have been unattended for
8 approximately 25 minutes at the time he was found. When he was cut down,
9 he was noted to be unresponsive without any spontaneously respiratory
10 effort. He did have a pulse when found, which he maintained through
transport. An oral airway was placed and he was brought to the trauma bay
with active bagging taking place. He is unable to provide any history. Per
EMS, he has no known medical history.

11 76. Chavez eventually died from his injuries on August 12, 2022.

12 **FAILURE TO ASSESS, CLASSIFY, AND MONITOR**

13 77. Defendants failed to perform proper assessments as to Chavez' mental state,
14 conditions, and illnesses.

15 78. Chavez was pushed through the assessment process quickly so that
16 Defendants could put him in a cell and ignore him.

17 79. Penzone and Smith are charged with implementing and maintaining policies
18 and procedures for the MCSO and its jails – including the Lower Buckeye Jail. They are
19 also charged with oversight of their jail facilities. As such, they are required to review
20 employee actions regularly to ensure MCSO policies and procedures are being followed.

21 80. Tegeler is charged with implementing and maintaining policies and
22 procedures for the CHS and its facilities – including the Lower Buckeye Jail medical
23 facilities. He is also charged with oversight of CHS' facilities. As such, he is required to
24 review employee actions regularly to ensure CHS policies and procedures are being
25 followed.
26
27
28

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1 81. Their lack of proper oversight at the Jail led directly to lax behavior by
2 Maricopa, MCSO, and CHS staff.

3 82. To wit, headcounts were clearly not regularly performed at the required
4 intervals.

5 83. Furthermore, it is apparent that no proper oversight has occurred with inmate
6 evaluations - both security based and medical based.

7 84. According to shift logs obtained via public records request, the last time
8 officers or guards made rounds and “put eyes on” Chavez prior to his suicide attempt was
9 at 1700 hours August 8, 2022.

10 85. Smith, Moody, Dimas, Park, Magat, Hawkins, Montano, Dailey, Martin,
11 Hertig, and Espinosa upon information and belief were working at the Jail on the day of
12 Chavez’ death.

13 86. Each had a responsibility to ensure the safety and well-being of Chavez. Each
14 of them could have – at any time – classified Chavez as needing to be under suicide watch.
15

16 87. They did not.

17 88. Each of them could have – at any time – performed the proper headcounts at
18 the proper intervals.

19 89. They did not.

20 90. Chavez was assigned bunk Cell-A 03 on the day of his death. The location
21 of his bunk was Floor 3 HOUSE 34 POD A (LBJF:34:A:10:01) at the Jail in Phoenix,
22 Arizona.

23 91. This bunk is also known – based on records received from MCSO – as
24 “T34A.03”
25
26
27
28

1 92. The Correctional Officers (hereinafter “CO” or “COs”) who actually
2 conducted patrols and headcounts on the day of Chavez’ death and up to his death were
3 Officers Park, Magat, Hawkins, Espinosa, and Moody.

4 93. According to Officer Moody’s (B4996) Incident Report:

5
6 On 08/08/2022 at the Lower Buckeye Jail located at 250 W Lower Buckeye
7 Rd, Phoenix, AZ 85009, at approximately 1825 hours, I conducted a security
8 walk in T34 A pod. During the security walk, as I approached cell T34A.03,
9 I observed an inmate, later identified as Inmate Chavez, Alexander T796431
10 sitting on the ground, at the back of the cell, in between the table and the
11 bunks inside the cell. Inmate Chavez had an MCSO issued sheet, in what
appeared to be tied into the shape of a noose, around his neck, with the other
end tied to the top bunk inside of the cell. Immediately upon observing this,
I made a radio call requesting for additional officers to respond and bring a
911 tool.

12 94. From 1700 – 1825 hours, Chavez was left on his own.

13 95. There are entries on the shift logs for rounds every hour on the hour.

14 96. The 1800 entry is blank.

15 97. Nobody performed their security checks or rounds at 1800 hours.

16 98. As discussed above, Chavez’ estimated time of his suicide attempt was about
17 25 minutes prior to being found.

18 99. Again, if any of Smith, Moody, Dimas, Park, Magat, Hawkins, Montano,
19 Dailey, Martin, Hertig, and Espinosa had properly performed their duties, Chavez would
20 have been observed at 1800 hours and would have been stopped from attempting suicide.
21

22 100. The MCSO shift logs have entries for a patrol and review of headcount for
23 every hour of the day.

24 101. Officers skipped their patrol and headcount for the 1800 hour – Instead
25 waiting nearly half an hour past 1800 to conduct the 1800 headcount

26 102. This 25-minute gap was critical and a direct cause of Chavez’ subsequent
27 death.
28

103. According to I ELIZARRARAS' (S2178) Incident Report, IR22020649,

- The jail surveillance video was reviewed briefly, and this is a general summary of the events that occurred. For full details of the event, reference the jail surveillance video submitted. The times frames provided are the ones observed on the video. The following is what I observed:
- 1824 hours: Detention Officer Moody (B4996) enters T34 A Pod and begins to make a radio call while in front of cell 3 (T34A.03).
- 1825 hours: Detention Officer Moody enters the cell. Medical staff also enters the cell. Inmate Chavez is removed from the cell.
- 1826 hours: Detention Officer Moody begins providing inmate Chavez chest compressions. Medical staff arrives with a gurney. AED was on site.
- 1833 hours: Inmate Chavez is placed on the gurney and moved out of T34 A Pod housing unit. Detention Officer Moody continues with chest compressions.
- 1832 hours: Phoenix Fire Engine & Engine #21 arrive at LBJ.
- 1834 hours: Phoenix Fire Engine arrive at LBJ main clinic.
- 1836 hours: Inmate Chavez arrives at the LBJ main clinic.
- 1841 hours: Inmate Chavez is moved out of LBJ main clinic by Phoenix Fire.
- 1843 hours: Phoenix Fire Ambulance #21 departs with inmate Chavez

104. At approximately 1837 hours, after arriving to the LBJ main clinic, Phoenix Fire personnel took over for CPR and rescue attempts by tapping Officer Moody's arm and telling him, "You can stop." Phoenix Fire personnel also stated they could feel a carotid pulse at that time.

105. It took another seven minutes to get Chavez on the road to the Emergency Room.

106. It took another 12 minutes to arrive to Banner Good Samaritan Hospital.

107. It took nearly a full hour following Chavez' suicide attempts to provide trauma care for his injuries.

108. There lies a concept in medical care that a patient must be seen and provided definitive care within one hour of the injuries. This concept is called the "Golden Hour."

1 While some patients can recover fully with proper immediate care, a lack of oxygen to the
2 brain is deadly to a human being within minutes.

3 109. According to the National Library of Medicine, “Attempted suicidal
4 hanging: an uncomplicated recovery” written by Sarathchandra Kodikara, Dec 2012 found
5 and retrieved January 25, 2023 at <https://pubmed.ncbi.nlm.nih.gov/22333907/>:

6
7 Although hanging is common across the world, survival after attempted
8 hanging is very rare with death usually *occurring within minutes* or over the
9 first 24 hours. If the person survives the initial event, later he/she may die
10 because of the severity of the initial hypoxic and ischemic brain damage.
11 Survival from hanging is often associated with various complications including
12 a large variety of neurological consequences. This case report highlights a rare
13 case of survival in attempted hanging of a 35-year-old man, with previous
14 suicide ideation. Within 15 minutes of the incident, he was brought to a tertiary
15 care hospital. On admission, he was unconscious and the Glasgow Coma Scale
16 was 4 with tachycardia, weak pulse, bradypnea, and shallow breathing. With
17 vigorous and prompt resuscitation methods, he gradually recovered without any
18 residual neurological outcome. Prognostically good results could be achieved,
19 if such victims are vigorously and promptly resuscitated, irrespective of their
20 initial presentation. (emphasis added).

21 110. In that report, a man attempted to hang himself, but was found and brought
22 to a hospital within 15 minutes of the injury. That man survived.

23 111. In Chavez’ case, he wasn’t found for at least 25 minutes – probably longer –
24 and was effectively brain dead. There is no coming back from brain death.

25 112. Not only was Chavez not treated properly until at a bare minimum of 56
26 minutes, but he had also been left without oxygen to the brain for over 25 minutes prior to
27 discovery of his attempted suicide.

28 113. If not for the egregious and grossly negligent actions of Defendants and
potentially unknown at this time employees, agents, and officers, Alexander Chavez would
have benefited from life-saving prompt treatment of his traumatic injuries.

114. Myriad clinical research studies illustrate significantly improved patient outcomes for patients discovered within minutes of a hanging.

115. The officers here ignored their duties and did not perform a headcount at 1800 hours as required.

116. This – coupled with Alexander not being on suicide watch – created an inability to have discovered Chavez to prevent him from hanging for over 25 minutes.

117. It is incumbent upon Paul Penzone and the wardens, captains, directors, supervisors, corrections officers, Smith, Moody, Dimas, Park, Magat, Hawkins, Montano, Dailey, Martin, Hertig, Espinosa and the MCSO to fulfill the duty assured to Alexander Chavez and all inmates under the United States Constitution, including without limitation:

- Maintain physical control over all inmates to prevent harm to both staff and other inmates; and
- Implement, evaluate and maintain security procedures and protocols in accordance with industry standards to protect both staff and other inmates; and
- Act affirmatively to protect inmates when a potential threat or risk of harm to either staff or another inmate becomes known to them; and
- Hire, train, and supervise corrections officers and staff in a manner that thoroughly ensures the mission of the Arizona Department of Corrections is carried out regarding the physical protection of all staff and inmates; and
- Maintain strong presence of supervision, control, and oversight over corrections officers and all prison personnel; and
- Provide medical care and treatment for all inmates according to the standard of care recognized by the industry.

118. Based upon the deliberate indifference to the security of Alexander Chavez' physical person relative to the events leading up to the suicide attempt, coupled with the egregiously negligent and deliberately indifferent actions of Defendants in failing to properly assess Alexander Chavez' mental state and condition, it is evident that Maricopa, MCSO, CHS, its wardens, associate wardens, directors, captains, commanders,

1 supervisors, corrections officers, health professionals, and staff have breached each of
2 these duties proscribed by law.

3 119. As a direct and proximate result of these myriad breaches, Alexander Chavez
4 died.

5 120. Each of the Defendants were negligent, and in fact grossly negligent, in that
6 they had a nondelegable duty to care for and protect Chavez and failed to act despite
7 realizing that their acts, omissions to act and other conduct created a high probability that
8 substantial harm would be visited upon Alexander Chavez.

9 121. Further, the acts and omissions detailed herein constitute additional
10 actionable torts under statutes of the State of Arizona and common law.

11 122. The actions of the MCSO through Sheriff Paul Penzone, the Jail through
12 Brandon Smith, and MCSO employees, agents, and corrections officers including Smith,
13 Moody, Dimas, Park, Magat, Hawkins, Montano, Dailey, Martin, Hertig, and Espinosa
14 have violated the rights of Alexander Chavez under the United States and Arizona
15 Constitutions, including without limit his Eighth and Fourteenth Amendment rights.
16

17 123. The actions of CHS through Tegeler, Chester, Rainey, Marsland, and CHS
18 employees and agents have violated the rights of Alexander Chavez under the United States
19 and Arizona Constitutions, including without limit his Eighth and Fourteenth Amendment
20 rights.
21

22 124. Following Chavez' second suicide attempt, Chavez was classified with the
23 following flags:

- 24 • 841 Red Dot 8/5/2022 8/5/2022
- 25 • 96 COWS 8/7/2022 8/7/2022 8/21/2022
- 26 • 834 Opioid Use 8/7/2022 8/7/2022
- 27 • 167 Bottom Bunk (BB) 8/7/2022 8/7/2022
- 28

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- 168 Bottom Tier (BT) 8/7/2022 8/7/2022
- 193 No Work No Tents (NWNT) 8/7/2022 8/7/2022
- 828 Proxy Medium 8/7/2022 8/7/2022
- 161 Suicide Attempt History While Incarcerated 8/9/2022 8/9/2022
- 52 Suicide Watch - Potential 8/9/2022 8/9/2022
- He was also classified with “Problems” by CHS:
- Red Dot 8/5/2022
- COWS 8/6/2022
- Opioid Use 8/6/2022
- Bottom Bunk (BB) 8/6/2022
- Bottom Tier (BT) 8/6/2022
- No WorkNo Tents (NWNT) 8/6/2022
- Suicide Attempt History While Incarcerated 8/8/2022
- Suicide Watch - Potential 8/8/2022

125. On August 8, 2022 at 6:59PM, after he had already hung himself, Chavez was added to the Suicide Watch list.

126. Had the Defendants done a proper assessment of Chavez’ mental state, it would have been easily discerned that Chavez was in fact a suicide risk.

127. In fact, CHS knew that Chavez was a suicide risk after his first suicide attempt.

128. Rainey provided Chavez with a Suicide Prevention/Awareness pamphlet in the early hours of August 6, 2022 and then Chavez was re-classified from psychiatric to general population and thrown out to deal with his withdrawal symptoms with no help.

129. Defendants could have properly assessed his condition and placed him on suicide watch at intake – instead of after the fact.

1 one who acts under color of state law from being deliberately indifferent to the serious
2 needs of individuals in their care, custody and control.

3 134. At all relevant times, Defendants were acting under color of law.

4 135. At all relevant times, Alexander Chavez was in the care, custody and control
5 of Defendants.

6 136. Among other things, Defendants, through their education and training, knew
7 or should have known the procedures for an accurate and careful assessment of an inmate
8 who had already attempted suicide, but deliberately ignored that fact and failed to keep
9 Alexander Chavez under suicide watch that would have kept Alexander Chavez alive.

10 137. Among other things, Defendant are aware or should be aware of their
11 responsibilities and duties toward an inmate who had already attempted suicide – namely
12 keeping him under suicide watch.

13 138. Among other things, Defendants are aware or should be aware of security
14 issues that can arise based on their experience and their various responsibilities and duties
15 required to provide a safe and secure environment for inmates of the Jail.

16 139. The conduct of Defendants in this regard was objectively unreasonable and
17 was undertaken with a willful, reckless and malicious indifference to the constitutional
18 rights and liberty interests of Alexander Chavez and the Plaintiffs, and with no regard to
19 the likelihood that harm would and did result, and that Alexander Chavez would and did
20 suffer needlessly while in their care.

21 140. The deliberate indifference to the serious needs of Alexander Chavez
22 constitutes unnecessary and wanton infliction of pain proscribed by the Eighth Amendment
23 and is in violation of 42 U.S.C. §1983, whether the indifference is manifested by
24 Defendants in response to Alexander Chavez' suicidal actions, or intentionally or delaying
25 classifying Alexander Chavez as a suicide risk.

26 141. As a direct and proximate result of the deliberate indifference of Defendants,
27 Alexander Chavez suffered extraordinary pain and premature death, and Plaintiffs have
28 suffered damages.

142. As a direct and proximate result of the deliberate indifference of Defendants,

1 Plaintiffs have forever lost the liberty interest guaranteed to them by the Fourteenth
2 Amendment to enjoy the companionship, society and support of Alexander Chavez.

3 143. The acts and omissions of Defendants were of such a nature to entitle
4 Plaintiffs each to an award of exemplary and punitive damages to punish the wrongful
5 conduct alleged herein and to deter such conduct in the future.

6 144. Pursuant to 42 U.S.C. §1988 and other applicable law, Plaintiffs are also
7 entitled to an award of incurred attorneys' fees and costs.

8 **COUNT II**

9 **Wrongful Death Pursuant to A.R.S. §12-611**

10 145. Plaintiffs incorporate the allegations in the foregoing paragraphs as though
11 fully set forth herein.

12 146. Defendants had a duty to assure the safety and well-being of Alexander
13 Chavez while in their care, custody and control, a duty that included, without limitation,
14 providing proper, appropriate and timely care to Alexander Chavez.

15 147. Defendants breached their duties to Alexander Chavez, as identified in the
16 allegations set forth in the paragraphs above.

17 148. Despite being the sole caretakers of Alexander Chavez, Defendants were
18 negligent and grossly negligent by failing to properly classify, place, and watch Alexander
19 Chavez, that would have saved Alexander Chavez' life.

20 149. Despite being assigned to monitor the security and welfare of the inmates
21 housed in the Jail, Defendants were negligent and grossly negligent in their failure to
22 perform their required duties in conducting inmate checks during the verified time of
23 Alexander Chavez' second suicide attempt.

24 150. Defendants undertook a duty to provide adequate supervision and
25 classification to the inmates of the Jail. This includes (1) the duty to supervise all of its
26 employees and agents, and (2) the duty to ensure that its employees and agents satisfy all
27 federal, state, and applicable industry standards.

28 151. Defendants breached their duties, as identified by the allegations set forth in
the paragraphs above, by among things and without limitation willfully participating in a

1 practice or custom that denied Alexander Chavez adequate monitoring and placement, and
2 by ratifying improper conditions, customs, policies, procedures and/or practices that
3 jeopardized the safety of Alexander Chavez.

4 152. Additionally, Defendant Maricopa is vicariously liable for the acts and
5 omissions of their employees, including without limitation those employees listed herein
6 as defendants,

7 153. As a direct and proximate result of the negligent actions of Defendants and
8 their employees and agents, Alexander Chavez suffered an untimely and preventable death.

9 154. As a direct and proximate result of the negligent actions of Defendants and
10 their employees and agents, Plaintiffs have been deprived of the continued companionship
11 and society of their son and father, and have suffered and continue to suffer the loss of a
12 loved one, affection, companionship, care, protection, guidance, as well as pain, grief,
13 sorrow, anguish, stress, shock, mental suffering, and have suffered both economic and non-
14 economic damages in an amount to be proven at trial.

15 155. Additionally, the acts of Defendants and their employees and agents, as set
16 forth above, demonstrate gross and wanton negligence in that each of them knew or had
17 reason to know that their acts individually and collectively created an unreasonable risk of
18 bodily harm to Alexander Chavez and a high probability that substantial harm would result.

19 156. In causing the painful, barbaric and premature death of Alexander Chavez,
20 Defendants and their employees and agents acted with an evil mind and a malignant heart
21 warranting an award of punitive damages.

22 **COUNT III**

23 **Survivorship Action Pursuant to A.R.S. §14-3110**

24 157. Plaintiffs incorporate the allegations in the foregoing paragraphs as though
25 fully set forth herein.

26 158. Defendants had a duty to assure the safety and well-being of Alexander
27 Chavez while in their care, custody and control, a duty that included, without limitation,
28 providing proper, appropriate and timely care to Alexander Chavez.

159. Defendants breached their duties to Alexander Chavez, as identified in the

1 allegations set forth in the paragraphs above.

2 160. Despite being the sole caretakers of Alexander Chavez, Defendants were
3 negligent and grossly negligent by failing to properly classify, place, and watch Alexander
4 Chavez, that would have saved Alexander Chavez' life.

5 161. Despite being assigned to monitor the security and welfare of the inmates
6 housed in the Jail, Defendants were negligent and grossly negligent in their failure to
7 perform their required duties in conducting inmate checks during the verified time of
8 Alexander Chavez' second suicide attempt.

9 162. Defendants undertook a duty to provide adequate supervision and
10 classification to the inmates of the Jail. This includes (1) the duty to supervise all of its
11 employees and agents, and (2) the duty to ensure that its employees and agents satisfy all
12 federal, state, and applicable industry standards.

13 163. Defendants breached their duties, as identified by the allegations set forth in
14 the paragraphs above, by among things and without limitation willfully participating in a
15 practice or custom that denied Alexander Chavez adequate monitoring and placement, and
16 by ratifying improper conditions, customs, policies, procedures and/or practices that
jeopardized the safety of Alexander Chavez.

17 164. Additionally, Defendant Maricopa is vicariously liable for the acts and
18 omissions of their employees, including without limitation those employees listed herein
19 as defendants,

20 165. As a direct and proximate result of the negligent actions of Defendants and
21 their employees and agents, Alexander Chavez suffered an untimely and preventable death.

22 166. As a direct and proximate result of the negligent actions of Defendants and
23 their employees and agents, Chavez endured extreme pain and suffering from August 6,
24 2022 until August 12, 2022, lost his ability to earn income following his death, and lost the
ability to provide support to his family.

25 167. As a result, Chavez suffered both economic and non-economic damages in
26 an amount to be proven at trial.

27 168. Additionally, the acts of Defendants and their employees and agents, as set
28

1 forth above, demonstrate gross and wanton negligence in that each of them knew or had
2 reason to know that their acts individually and collectively created an unreasonable risk of
3 bodily harm to Alexander Chavez and a high probability that substantial harm would result.

4 169. In causing the painful, barbaric and premature death of Alexander Chavez,
5 Defendants and their employees and agents acted with an evil mind and a malignant heart
6 warranting an award of punitive damages.

7 **COUNT IV**

8 **Negligence and Gross Negligence**

9 170. Plaintiffs incorporate the allegations in the foregoing paragraphs as though
10 fully set forth herein.

11 171. At all relevant times, each and every Defendant had an individual and
12 collective duty to exercise ordinary care for the safety of Alexander Chavez.

13 172. This includes taking certain actions and refraining from other actions such
14 that the Jail was operated in a manner that maintained effective custody and control over
15 inmates in a safe, secure and humane environment.

16 173. Defendants breached that duty systematically and repeatedly, including their
17 acts and omissions set forth above, resulting in the Jail being operated in a manner such
18 that presented a grave and imminent danger to Alexander Chavez.

19 174. As a direct and proximate result of Defendants' breach, Alexander Chavez
20 sustained severe and permanent injuries, endured extreme pain and suffering, lost the
21 ability to have and maintain meaningful familial relationships, and eventually lost his life.

22 175. Defendants' acts and omissions to act set forth above, also demonstrate gross
23 and wanton negligence in that each of them knew or had reason to know that their acts
24 individually and collectively created an unreasonable risk of bodily harm to Neil and a high
25 probability that substantial harm would result.

26 **COUNT V**

27 **Negligent Hiring, Training, Supervision and Retention**

28

1 176. Plaintiffs re-allege and incorporate by reference the allegations set forth in
2 the preceding paragraphs of this Complaint.

3 177. Defendants Maricopa, MCSO, CHS, Penzone, Tegeler, and Smith owed a
4 duty to Alexander Chavez to ensure that their employees, officers and agents were qualified
5 to serve in their respective roles before hiring and assigning employees to provide medical
6 care for inmates.

7 178. Defendants Maricopa, MCSO, CHS, Penzone, Tegeler, and Smith also owed
8 Alexander Chavez a duty to ensure that their employees, officers, and agents were properly
9 trained and possessed the skill and knowledge to perform their assigned job tasks in a
10 competent manner.

11 179. As set forth above, Defendants Maricopa, MCSO, CHS, Penzone, Tegeler,
12 and Smith breached these duties.

13 180. As a direct and proximate result of Defendants' breaches of these duties,
14 Alexander Chavez was damaged in that he, among other things, suffered extreme pain and
15 suffering, lost the ability to have and maintain meaningful familial relationships, lost his
16 life and sustained other damages that will be demonstrated at trial.

17 JURY TRIAL DEMAND

18 181. Plaintiffs hereby demand a jury trial in this matter as to all claims and
19 against all Defendants.

20 PRAYER FOR RELIEF

21 WHEREFORE, Plaintiffs requests that the Court enter judgment against the
22 Defendants and in favor of the Plaintiffs, as follows:

- 23 a) For compensatory, general and special damages against each and every
24 Defendant, jointly and severally, in an amount to be proven at trial;
- 25 b) For all other non-pecuniary damages as to be proven at trial;
- 26 c) For punitive and exemplary damages against Defendants in an amount
27 appropriate to punish the wrongful conduct alleged herein and to deter such
28 conduct in the future;

- 1 d) For pre-and post judgment interest to the extent provided by law;
2 e) For Plaintiffs' incurred costs, including all incurred attorneys' fees and court
3 costs, pursuant to 42 U.S.C. §1988 and as otherwise authorized by any other
4 statute or law; and
5 f) For such other relief as this Court may deem proper.

6 **RESPECTFULLY SUBMITTED** this 8th day of August 2023.

7
8 **MILLS + WOODS LAW, PLLC**

9
10 By /s/ Sean A. Woods
11 Sean A. Woods
12 Robert T. Mills
13 5055 North 12th Street, Suite 101
14 Phoenix, Arizona 85014
15 *Attorneys for Plaintiffs*

16 **ORIGINAL** filed this 8th day of August 2023
17 via AZTurboCourt with the Clerk of the
18 Maricopa County Superior Court

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28
/s/ Ben Dangerfield

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Phoenix, AZ 85014
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Attachment 4

Clerk of the Superior Court
*** Electronically Filed ***
L. Martinez, Deputy
8/8/2023 10:03:13 PM
Filing ID 16411134

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[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 028930, Issuing State: AZ

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

KAB BMS
11/3/2023

Debra Morales Ruiz, et al.
Plaintiff(s),
v.
County of Maricopa, et al.
Defendant(s).

Case No. CV2023-012042

SUMMONS

To: Arturo Dimas

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>.
Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *August 08, 2023*

JEFF FINE
Clerk of Superior Court

By: *L. MARTINEZ*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

Clerk of the Superior Court
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8/8/2023 10:03:13 PM
Filing ID 16411140

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[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 028930, Issuing State: AZ

SV SAC P.S.
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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

KAG 11/3/2023

Debra Morales Ruiz, et al.
Plaintiff(s),
v.
County of Maricopa, et al.
Defendant(s).

Case No. CV2023-012042

SUMMONS

To: Daniel Hawkins JR

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>.
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GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *August 08, 2023*

JEFF FINE
Clerk of Superior Court

By: *L. MARTINEZ*
Deputy Clerk



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If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

Clerk of the Superior Court
*** Electronically Filed ***
L. Martinez, Deputy
8/8/2023 10:03:13 PM
Filing ID 16411148

Person/Attorney Filing: Sean A. Woods
Mailing Address: 5055 N. 12th St. Suite 101
City, State, Zip Code: Phoenix, AZ 85014
Phone Number: (480)999-4556
E-Mail Address: swoods@millsandwoods.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 028930, Issuing State: AZ

SV SEC AS
RECEIVED OCT 31 2023 CK
20388986

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

KN 5 J2005
11/3/2023

Debra Morales Ruiz, et al.
Plaintiff(s),
v.
County of Maricopa, et al.
Defendant(s).

Case No. CV2023-012042

SUMMONS

To: Gregory Hertig

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

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Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *August 08, 2023*

JEFF FINE
Clerk of Superior Court

By: *L. MARTINEZ*
Deputy Clerk



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Person/Attorney Filing: Sean A. Woods
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Phone Number: (480)999-4556
E-Mail Address: swoods@millsandwoods.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 028930, Issuing State: AZ

SV SDC P.S.
RECEIVED OCT 31 2023
20388986
C/L

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

KAS X30.5
11/3/2023

Debra Morales Ruiz, et al.
Plaintiff(s),
v.
County of Maricopa, et al.
Defendant(s).

Case No. CV2023-012042

SUMMONS

To: Trevor Martin

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SIGNED AND SEALED this Date: *August 08, 2023*

JEFF FINE
Clerk of Superior Court

By: *L. MARTINEZ*
Deputy Clerk



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Clerk of the Superior Court
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Person/Attorney Filing: Sean A. Woods
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City, State, Zip Code: Phoenix, AZ 85014
Phone Number: (480)999-4556
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[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 028930, Issuing State: AZ

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

KMG
11/3/2023

Debra Morales Ruiz, et al.
Plaintiff(s),
v.
County of Maricopa, et al.
Defendant(s).

Case No. CV2023-012042

SUMMONS

To: Javier Montano

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GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *August 08, 2023*

JEFF FINE
Clerk of Superior Court

By: *L. MARTINEZ*
Deputy Clerk



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Clerk of the Superior Court
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L. Martinez, Deputy
8/8/2023 10:03:13 PM
Filing ID 16411132

Person/Attorney Filing: Sean A. Woods
Mailing Address: 5055 N. 12th St. Suite 101
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Phone Number: (480)999-4556
E-Mail Address: swoods@millsandwoods.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 028930, Issuing State: AZ

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20388986

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

KMS
X31015
11/3/2023

Debra Morales Ruiz, et al.
Plaintiff(s),
v.
County of Maricopa, et al.
Defendant(s).

Case No. CV2023-012042

SUMMONS

To: Kyle Moody

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SIGNED AND SEALED this Date: *August 08, 2023*

JEFF FINE
Clerk of Superior Court

By: *L. MARTINEZ*
Deputy Clerk



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Clerk of the Superior Court
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Person/Attorney Filing: Sean A. Woods
Mailing Address: 5055 N. 12th St. Suite 101
City, State, Zip Code: Phoenix, AZ 85014
Phone Number: (480)999-4556
E-Mail Address: swoods@millsandwoods.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 028930, Issuing State: AZ

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

11/3/2023

Debra Morales Ruiz, et al.
Plaintiff(s),
v.
County of Maricopa, et al.
Defendant(s).

Case No. CV2023-012042

SUMMONS

To: Tyler Park

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SIGNED AND SEALED this Date: *August 08, 2023*

JEFF FINE
Clerk of Superior Court

By: *L. MARTINEZ*
Deputy Clerk



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Clerk of the Superior Court
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L. Martinez, Deputy
8/8/2023 10:03:13 PM
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Person/Attorney Filing: Sean A. Woods
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(If Attorney) State Bar Number: 028930, Issuing State: AZ

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OCT 31 2023
20388986

KAF3615
11/3/2023

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Debra Morales Ruiz, et al.
Plaintiff(s),
v.
County of Maricopa, et al.
Defendant(s).

Case No. CV2023-012042

SUMMONS

To: Paul Penzone

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By: *L. MARTINEZ*
Deputy Clerk



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Clerk of the Superior Court
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L. Martinez, Deputy
8/8/2023 10:03:13 PM
Filing ID 16411126

Person/Attorney Filing: Sean A. Woods
Mailing Address: 5055 N. 12th St. Suite 101
City, State, Zip Code: Phoenix, AZ 85014
Phone Number: (480)999-4556
E-Mail Address: swoods@millsandwoods.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 028930, Issuing State: AZ

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20388986

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

KAS X3615
11/3/2023

Debra Morales Ruiz, et al.
Plaintiff(s),
v.
County of Maricopa, et al.
Defendant(s).

Case No. CV2023-012042

SUMMONS

To: Brandon Smith

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SIGNED AND SEALED this Date: *August 08, 2023*

JEFF FINE
Clerk of Superior Court

By: *L. MARTINEZ*
Deputy Clerk



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1 Robert T. Mills (Arizona Bar #018853)
2 Sean A. Woods (Arizona Bar #028930)
3 **MILLS + WOODS LAW, PLLC**
4 5055 North 12th Street, Suite 101
5 Phoenix, Arizona 85014
6 Telephone 480.999.4556
7 docket@millsandwoods.com
8 swoods@millsandwoods.com
9 *Attorneys for Plaintiffs*

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 DEBRA MORALES RUIZ; *et al.*,
10 Plaintiffs,
11 vs.
12 COUNTY OF MARICOPA; *et al.*,
13 Defendants.
14

Case No.: CV2023-012042

**ACCEPTANCE OF SERVICE OF
PROCESS**

15 On behalf of and as counsel for Defendants John Chester, Morgan Rainey, and
16 Stefanie Marsland in the above-captioned action ("Defendants"), I hereby acknowledge
17 that I have received from Plaintiffs' counsel copies of the Summonses to the Defendants,
18 the Certificate of Compulsory Arbitration, and the Complaint in said action, and I hereby
19 agree, pursuant to Ariz. R. Civ. P. 4(f)(2), to accept receipt of same in place of proper
20 service of process in the manner provided by the Arizona Rules of Civil Procedure.
21 Defendants will retain all defenses or objections to the lawsuit or to the jurisdiction or
22 venue of the court except for objections based on a defect in the summons or in service of
23 process.
24
25

26 **EXECUTED** on Nov 21, 2023

27 *Joseph Vigil*
28 Joseph Vigil (Nov 21, 2023 14:37 MST)

Joseph I. Vigil

Clerk of the Superior Court
*** Electronically Filed ***
L. Martinez, Deputy
8/8/2023 10:03:13 PM
Filing ID 16411123

Person/Attorney Filing: Sean A. Woods
Mailing Address: 5055 N. 12th St. Suite 101
City, State, Zip Code: Phoenix, AZ 85014
Phone Number: (480)999-4556
E-Mail Address: swoods@millsandwoods.com
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(If Attorney) State Bar Number: 028930, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Debra Morales Ruiz, et al.
Plaintiff(s),
v.
County of Maricopa, et al.
Defendant(s).

Case No. CV2023-012042

SUMMONS

To: County of Maricopa

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SIGNED AND SEALED this Date: *August 08, 2023*

JEFF FINE
Clerk of Superior Court

By: *L. MARTINEZ*
Deputy Clerk



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Clerk of the Superior Court
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Person/Attorney Filing: Sean A. Woods
Mailing Address: 5055 N. 12th St. Suite 101
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Phone Number: (480)999-4556
E-Mail Address: swoods@millsandwoods.com
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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Debra Morales Ruiz, et al.
Plaintiff(s),
v.
County of Maricopa, et al.
Defendant(s).

Case No. CV2023-012042

**CERTIFICATE OF
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Maricopa County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Sean A. Woods /s/
Plaintiff/Attorney for Plaintiff

1 Sean A. Woods (Arizona Bar #028930)
2 Robert T. Mills (Arizona Bar #018853)
3 **MILLS + WOODS LAW, PLLC**
4 5055 North 12th Street, Suite 101
5 Phoenix, Arizona 85014
6 Telephone 480.999.4556
7 docket@millsandwoods.com
8 swoods@millsandwoods.com
9 *Attorneys for Plaintiffs*

10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MARICOPA**

12 DEBRA MORALES RUIZ, an individual,
13 for herself and on behalf of and as pending
14 Personal Representative of THE ESTATE
15 OF ALEXANDER CHAVEZ; ALEX
16 GEORGE CHAVEZ, an individual,

17 Plaintiffs,

18 vs.

19 COUNTY OF MARICOPA, a
20 governmental entity; MARICOPA
21 COUNTY SHERIFF'S OFFICE, a
22 governmental entity; MARICOPA
23 COUNTY CORRECTIONAL HEALTH
24 SERVICES, a governmental entity;
25 BRANDON SMITH and JANE DOE
26 SMITH; PAUL PENZONE and JANE
27 DOE PENZONE; THOMAS TEGELER
28 and JANE DOE TEGELER; KYLE
MOODY and JANE DOE MOODY;
ARTURO DIMAS and JANE DOE
DIMAS; TYLER PARK and JANE DOE
PARK; GERARDO MAGAT and JANE
DOE MAGAT; DANIEL HAWKINS JR.
and JANE DOE HAWKINS; JAVIER
MONTANO and JANE DOE MONTANO;
JAMES DAILEY and JANE DOE
DAILEY; TREVOR MARTIN and JANE
DOE MARTIN; GREGORY HERTIG and
JANE DOE HERTIG; JOHN CHESTER
and JANE DOE CHESTER; JORGE

CASE NO: CV2023-012042

COMPLAINT

(JURY TRIAL DEMANDED)

1 ESPINOSA JR. and JANE DOE
2 ESPINOSA; MORGAN RAINEY and
3 JOHN DOE RAINEY; STEFANIE
4 MARSLAND and JOHN DOE
MARSLAND; and, JOHN AND JANE
DOES 1-40,

5
6 Defendants.

7
8 Plaintiffs Debra Morales Ruiz (“Debra”), the Estate of Alexander Robert Chavez
9 (“Alexander”), and Alex George Chavez (“George”), by and through their attorneys, Mills
10 + Woods Law PLLC, for their Complaint against Defendants Maricopa County
11 (“Maricopa”), Maricopa County Sheriff's Office (“MCSO”), Maricopa County
12 Correctional Health Services (“CHS”), Brandon Smith (“Smith”), Paul Penzone
13 (“Penzone”), Thomas Tegeler (“Tegeler”), Kyle Moody (“Moody”), Arturo Dimas
14 (“Dimas”), Tyler Park (“Park”), Gerardo Magat (“Magat”), Daniel Hawkins Jr.
15 (“Hawkins”), Javier Montano (“Montano”), James Dailey (“Dailey”), Trevor Martin
16 (“Martin”), Gregory Hertig (“Hertig”), John Chester (“Chester”), Jorge Espinosa Jr.
17 (“Espinosa”), Morgan Rainey (“Rainey”), and Stefanie Marsland (“Marsland”)
18 (collectively “Defendants”) allege and state as follows:
19

20 **INTRODUCTION**

- 21 1. Alexander Chavez was a young and vibrant 32-year-old.
22 2. He made mistakes, was arrested, and was booked into the Lower Buckeye
23 Jail.
24 3. He was a loving son, brother, and uncle and doted on his family, providing
25 emotional and financial support to them.
26 4. He had his whole life ahead of him and was trying his best to get back on his
27 feet.
28

5. Mr. Chavez's booking number was T796431 and his date of birth was 08/31/1989.

1 13. Defendant CHS is a governmental entity that acts by and through its officials,
2 employees and agents, including without each of the Defendants Tegeler, Chester, Rainey,
3 and Marsland.

4 14. Defendant Captain Brandon Smith was at all times relevant to this complaint,
5 a Captain of the MCSO's Detention division and is sued in his official and individual
6 capacity. He is tasked with oversight of the MCSO Detention centers and employees under
7 his command and is responsible for all policies and procedures promulgated by the MCSO.
8 He is an agent of Maricopa and the MCSO, operating in his official and individual capacity
9 in Maricopa County, Arizona.

11 15. Defendant Sheriff Paul Penzone is sued in her official and individual
12 capacity. He was tasked with oversight of the MCSO and was responsible for all policies
13 and procedures promulgated by the MCSO. He is an agent of Maricopa and the MCSO,
14 operating in his official and individual capacity in Maricopa County, Arizona.

15 16. Defendant Officer Kyle Moody is employed by, and serving as an agent of,
16 Maricopa, and the MCSO. At all relevant times he was operating in his official and
17 individual capacity in Maricopa County, Arizona.

18 17. Defendant Officer Arturo Dimas is employed by, and serving as an agent of,
19 Maricopa, and the MCSO. At all relevant times he was operating in his official and
20 individual capacity in Maricopa County, Arizona.

21 18. Defendant Officer Tyler Park is employed by, and serving as an agent of,
22 Maricopa, and the MCSO. At all relevant times he was operating in his official and
23 individual capacity in Maricopa County, Arizona

24 19. Defendant Officer Gerardo Magat is employed by, and serving as an agent
25 of, Maricopa, and the MCSO. At all relevant times he was operating in his official and
26 individual capacity in Maricopa County, Arizona.
27
28

1 20. Defendant Officer Daniel Hawkins, Jr. is employed by, and serving as an
2 agent of, Maricopa, and the MCSO. At all relevant times he was operating in his official
3 and individual capacity in Maricopa County, Arizona.

4 21. Defendant Officer James Dailey is employed by, and serving as an agent of,
5 Maricopa, and the MCSO. At all relevant times he was operating in his official and
6 individual capacity in Maricopa County, Arizona.

7 22. Defendant Officer Trevor Martin is employed by, and serving as an agent of,
8 Maricopa, and the MCSO. At all relevant times he was operating in his official and
9 individual capacity in Maricopa County, Arizona.

10 23. Defendant Officer Gregory Hertig is employed by, and serving as an agent
11 of, Maricopa, and the MCSO. At all relevant times he was operating in his official and
12 individual capacity in Maricopa County, Arizona

13 24. Defendant Thomas Tegeler was at all relevant times in this complaint upon
14 information and belief the Director of CHS, employed by, and serving as an agent of,
15 Maricopa, and CHS. At all relevant times he was operating in his official and individual
16 capacity in Maricopa County, Arizona.

17 25. Defendant John Chester is employed by, and serving as an agent of,
18 Maricopa, and CHS. At all relevant times he was operating in his official and individual
19 capacity in Maricopa County, Arizona.

20 26. Defendant Morgan Rainey is employed by, and serving as an agent of,
21 Maricopa, and CHS. At all relevant times he was operating in his official and individual
22 capacity in Maricopa County, Arizona.

23 27. Defendant Stefanie Marsland is employed by, and serving as an agent of,
24 Maricopa, and CHS. At all relevant times he was operating in his official and individual
25 capacity in Maricopa County, Arizona.

1 28. Defendants Smith, Penzone, Moody, Dimas, Park, Magat, Hawkins, Dailey,
2 Martin, Tegeler, Chester, Rainey, Marsland, and Hertig were acting for the benefit of their
3 respective marital communities, if any, and therefore their respective marital communities
4 are liable for their actions as set forth herein. Accordingly, Defendants Jane Doe Smith,
5 Jane Doe Penzone, Jane Doe Moody, Jane Doe Dimas, Jane Doe Park, Jane Doe Magat,
6 Jane Doe Hawkins, Jane Doe Dailey, Jane Doe Martin, Jane Doe Tegeler, Jane Doe
7 Chester, John Doe Rainey, John Doe Marsland, and Jane Doe Hertig are named as
8 Defendants herein.

9 29. Defendant Maricopa is vicariously liable under the principle of *respondeat*
10 *superior* for the actions and inactions of the employees of the MCSO, CHS, and any private
11 contractors including those employees or contractors named as defendants in this action,
12 as to any claims that are asserted by Plaintiffs as a result of violations of the Arizona
13 Constitution and Arizona common law because, at all relevant times, those Defendants
14 were acting within the course and scope of their employment or contract with MCSO, CHS,
15 or entities privately contracted with MCSO or CHS.

16 30. Defendant MCSO is vicariously liable under the principle of *respondeat*
17 *superior* for the actions and inactions of the employees of the MCSO and any private
18 contractors including those employees or contractors named as defendants in this action,
19 as to any claims that are asserted by Plaintiffs as a result of violations of the Arizona
20 Constitution and Arizona common law because, at all relevant times, those Defendants
21 were acting within the course and scope of their employment or contract with MCSO or
22 entities privately contracted with MCSO.

23 31. Defendant CHS is vicariously liable under the principle of *respondeat*
24 *superior* for the actions and inactions of the employees of the CHS and any private
25 contractors including those employees or contractors named as defendants in this action,
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1 as to any claims that are asserted by Plaintiffs as a result of violations of the Arizona
2 Constitution and Arizona common law because, at all relevant times, those Defendants
3 were acting within the course and scope of their employment or contract with CHS or
4 entities privately contracted with CHS.

5 32. For purposes of Plaintiffs' claims arising under Federal law, including
6 without limitation the United States Constitution and 42 U.S.C. §1983 *et seq.*, and as may
7 be relevant to Plaintiff's state law claims, at all relevant times described herein, Defendants
8 were acting under color of state law.
9

10 JURISDICTION AND VENUE

11 33. Pursuant to 42 U.S.C. §1983 *et seq.*, Plaintiffs bring this action for violations
12 of the United States Constitution, including without limitation the Fourth, Eighth, and
13 Fourteenth Amendments and Arizona common and statutory laws.

14 34. The amount in controversy exceeds the minimal jurisdictional limits of this
15 Court.

16 35. To the extent applicable, and without conceding that said statute applies,
17 Plaintiffs have served their Notice of Claim upon Defendants in compliance with A.R.S.
18 §12-821.01, *et seq.* More than sixty (60) days have expired since Plaintiffs served their
19 Notice of Claim and Defendants have not responded in any manner to said Notice of Claim.
20

21 36. Pursuant to Article 6, Section 14 of the Arizona Constitution, this court has
22 original subject matter jurisdiction in this Complaint because the claims relate to causes of
23 action, the underlying acts and/or omissions for which, at all times relevant, have caused
24 the events alleged herein to occur with primary effect in Maricopa County, Arizona.

25 37. Venue is proper in that the specific acts giving rise to the causes of action
26 alleged herein occurred with primary effect in Maricopa County, Arizona.
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FACTUAL ALLEGATIONS

38. On August 5, 2022, in Chavez' intake documents, the Jail classified him properly as a sub-classification of "Psychiatric."

39. Despite this initial sub-classification, Chavez was sent to General Population on August 6, 2022.

40. Chavez attempted suicide shortly after being booked.

FIRST SUICIDE ATTEMPT

41. On August 6, 2022, upon information and belief, Chavez attempted to take his life by overdosing on seven pills of fentanyl. He was found with a baggy of over 250 Fentanyl pills.

42. Chavez was transferred to the hospital and told the attending physicians that he had snorted seven (7) fentanyl pills.

43. How fentanyl made it into Chavez' hands at a secured Jail facility is beyond comprehension.

44. MCSO, CHS, and their employees, agents, medical professionals, and officers are there to prevent unauthorized drugs, weapons, and other restricted materials from being introduced into the Jail. Chavez was only there for one day before he was able to get his hands on enough fentanyl to attempt suicide.

45. Chavez got his hands on the pills and attempted suicide.

46. A note was added to Chavez' file on August 6, 2022 by stating "SUICIDE PREVENTION/AWARENESS FLYER PROVIDED TO INMATE."

47. This was added to the file by both Morgan Rainey and John Chester.

48. At that very moment Chavez should have and was required to have been kept in the psychiatric unit and placed on suicide watch according to Maricopa, MCSO and CHS policies and procedures.

1 49. Maricopa, MCSO, CHS, their employees, agents, and officers failed in the
2 most basic of tasks.

3 50. To be clear, had Chavez been put on suicide watch, he would still be alive
4 today.

5 51. By failing to meet even the least stringent requirements, and by placing
6 Chavez back into general population – rather than on suicide watch – Maricopa, MCSO,
7 CHS, their employees, agents, and officers implicitly signed Chavez’ proverbial death
8 warrant.

9 52. To attempt to cover their actions, Rainey had Chavez sign a waiver form
10 refusing Administrative Restrictive Housing.

11 53. They just let an opiate addict who had just attempted to end his life enter
12 general population.

13 54. Adding further insult to injury, Maricopa, MCSO, CHS, their employees,
14 agents, and officers disciplined Chavez for Promoting Prison Contraband and Possession
15 of an Unauthorized Substance – added to Chavez’ file by John Chester.

16 55. There were ample opportunities and reasons to assign Chavez to the proper
17 classifications and put him on suicide watch.

18 56. None of the Defendants did so.

19 57. It is clear that Maricopa, MCSO, CHS, their employees, agents, and officers
20 only concern was to punish Chavez – not to properly classify him and put him on suicide
21 watch to prevent his death.

22 58. Maricopa, MCSO, CHS, their employees, agents, health professionals, and
23 officers knew that Chavez was going to be facing severe opiate withdrawals.

24 59. In fact, medical records show that Chavez was seen by staff because he was
25 opiate dependent, was in severe withdrawal, was classified as “Red Dot” due to an acute
26
27
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1 illness, was supposed to be put on opiate protocol with medications, and was required to
2 be put in a lower bunk.

3 60. Chavez – nearly immediately after being placed in general population began
4 experiencing extreme symptoms of opiate withdrawal.

5 61. On August 7, 2022, he was found in the fetal position in the day room holding
6 his breath.

7 62. When staff threatened him with being placed in a monitored room, he reacted
8 by breathing.

9 63. They placed him and his “mat” back into his jail cell and left him there.

10 64. On August 8, 2022, an unknown RN Nurse Manager updated Chavez’ file to
11 indicate he had a history of severe opiate withdrawal.

12 65. The records show that he was supposed to be placed under opiate protocol
13 and administered multiple prescriptions including Hydroxyzine, Loperamide, and
14 Ondansetron.

15 66. Records show that only one dose of Hydroxyzine was administered.

16 67. Defendants left him alone in his cell without administering further
17 medications to help Chavez survive his withdrawal symptoms.

18 68. Chavez was in extreme pain and distress having to deal with his withdrawal
19 symptoms without assistance.

20
21 **SECOND SUICIDE ATTEMPT AND SUBSEQUENT DEATH**

22 69. Had Defendants actually followed the opiate protocol and performed any of
23 their basic duties and procedures, Chavez would not have dealt with the awful side effects
24 of opiate withdrawal.
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70. According to a study from the National Library of Medicine on Opiate Withdrawal: Opioid withdrawal syndrome is a life-threatening condition resulting from opioid dependence.

71. Had Defendants actually cared about the life and safety of Chavez, his withdrawal symptoms would have been manageable.

72. Had he been on suicide watch in the psychiatric unit, he would not have had the opportunity to attempt suicide again and certainly would have been found much sooner following his suicide attempt.

73. This critical time – at least 25 minutes unattended – caused Chavez to suffer severe brain injuries that ultimately led to his death.

74. According to records:

Alexander Chavez is a 31-year-old male seen by stroke neurology on 8/8/2022 for a right vertebral artery thrombus, V2 segment. He is seen following transfer from jail where he was found following hanging by the neck, having been unattended for an estimated 25 minutes.

When he was initially found by the officer in his charge no pulses were palpable. CPR was performed for 10 minutes.

Upon arrival of EMS he was intubated. He was subsequently transferred to BUMCP. Unclear when ROSC was achieved.

He received 5 mg midazolam and 250 mg phenobarbital in the trauma bay due to movements that were interpreted as potential seizure activity.

CT head without contrast was, per my independent review, uninterpretable due to motion artifact, although the radiology report does indicate that there is concern for anoxic brain injury.

CT angiogram of the head and neck, per my review, does show a thrombus in the right vertebral artery, V2 segment, at the level of C3–4 vertebrae.

#Intravascular thrombus, V2 segment of right vertebral artery at the level of C3-4 vertebrae

#Concern for anoxic brain injury

1 #Found following presumptive suicide attempt, hanging in jail, pulseless
2 when found

3 #UDS positive for methamphetamine

4 75. Furthermore, according to records, Chavez presented as a trauma red for
5 evaluation after being found hanging. Records note that:

6 Patient was found hanging in his cell at a local jail. He was noted to still be
7 touching the ground and presumed to have been unattended for
8 approximately 25 minutes at the time he was found. When he was cut down,
9 he was noted to be unresponsive without any spontaneously respiratory
10 effort. He did have a pulse when found, which he maintained through
transport. An oral airway was placed and he was brought to the trauma bay
with active bagging taking place. He is unable to provide any history. Per
EMS, he has no known medical history.

11 76. Chavez eventually died from his injuries on August 12, 2022.

12 **FAILURE TO ASSESS, CLASSIFY, AND MONITOR**

13 77. Defendants failed to perform proper assessments as to Chavez' mental state,
14 conditions, and illnesses.

15 78. Chavez was pushed through the assessment process quickly so that
16 Defendants could put him in a cell and ignore him.

17 79. Penzone and Smith are charged with implementing and maintaining policies
18 and procedures for the MCSO and its jails – including the Lower Buckeye Jail. They are
19 also charged with oversight of their jail facilities. As such, they are required to review
20 employee actions regularly to ensure MCSO policies and procedures are being followed.

21 80. Tegeler is charged with implementing and maintaining policies and
22 procedures for the CHS and its facilities – including the Lower Buckeye Jail medical
23 facilities. He is also charged with oversight of CHS' facilities. As such, he is required to
24 review employee actions regularly to ensure CHS policies and procedures are being
25 followed.
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1 81. Their lack of proper oversight at the Jail led directly to lax behavior by
2 Maricopa, MCSO, and CHS staff.

3 82. To wit, headcounts were clearly not regularly performed at the required
4 intervals.

5 83. Furthermore, it is apparent that no proper oversight has occurred with inmate
6 evaluations - both security based and medical based.

7 84. According to shift logs obtained via public records request, the last time
8 officers or guards made rounds and “put eyes on” Chavez prior to his suicide attempt was
9 at 1700 hours August 8, 2022.

10 85. Smith, Moody, Dimas, Park, Magat, Hawkins, Montano, Dailey, Martin,
11 Hertig, and Espinosa upon information and belief were working at the Jail on the day of
12 Chavez’ death.

13 86. Each had a responsibility to ensure the safety and well-being of Chavez. Each
14 of them could have – at any time – classified Chavez as needing to be under suicide watch.

15 87. They did not.

16 88. Each of them could have – at any time – performed the proper headcounts at
17 the proper intervals.

18 89. They did not.

19 90. Chavez was assigned bunk Cell-A 03 on the day of his death. The location
20 of his bunk was Floor 3 HOUSE 34 POD A (LBJF:34:A:10:01) at the Jail in Phoenix,
21 Arizona.

22 91. This bunk is also known – based on records received from MCSO – as
23 “T34A.03”
24
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1 92. The Correctional Officers (hereinafter “CO” or “COs”) who actually
2 conducted patrols and headcounts on the day of Chavez’ death and up to his death were
3 Officers Park, Magat, Hawkins, Espinosa, and Moody.

4 93. According to Officer Moody’s (B4996) Incident Report:

5
6 On 08/08/2022 at the Lower Buckeye Jail located at 250 W Lower Buckeye
7 Rd, Phoenix, AZ 85009, at approximately 1825 hours, I conducted a security
8 walk in T34 A pod. During the security walk, as I approached cell T34A.03,
9 I observed an inmate, later identified as Inmate Chavez, Alexander T796431
10 sitting on the ground, at the back of the cell, in between the table and the
11 bunks inside the cell. Inmate Chavez had an MCSO issued sheet, in what
appeared to be tied into the shape of a noose, around his neck, with the other
end tied to the top bunk inside of the cell. Immediately upon observing this,
I made a radio call requesting for additional officers to respond and bring a
911 tool.

12 94. From 1700 – 1825 hours, Chavez was left on his own.

13 95. There are entries on the shift logs for rounds every hour on the hour.

14 96. The 1800 entry is blank.

15 97. Nobody performed their security checks or rounds at 1800 hours.

16 98. As discussed above, Chavez’ estimated time of his suicide attempt was about
17 25 minutes prior to being found.

18 99. Again, if any of Smith, Moody, Dimas, Park, Magat, Hawkins, Montano,
19 Dailey, Martin, Hertig, and Espinosa had properly performed their duties, Chavez would
20 have been observed at 1800 hours and would have been stopped from attempting suicide.

21 100. The MCSO shift logs have entries for a patrol and review of headcount for
22 every hour of the day.

23 101. Officers skipped their patrol and headcount for the 1800 hour – Instead
24 waiting nearly half an hour past 1800 to conduct the 1800 headcount
25

26 102. This 25-minute gap was critical and a direct cause of Chavez’ subsequent
27 death.
28

103. According to I ELIZARRARAS' (S2178) Incident Report, IR22020649,

- The jail surveillance video was reviewed briefly, and this is a general summary of the events that occurred. For full details of the event, reference the jail surveillance video submitted. The times frames provided are the ones observed on the video. The following is what I observed:
- 1824 hours: Detention Officer Moody (B4996) enters T34 A Pod and begins to make a radio call while in front of cell 3 (T34A.03).
- 1825 hours: Detention Officer Moody enters the cell. Medical staff also enters the cell. Inmate Chavez is removed from the cell.
- 1826 hours: Detention Officer Moody begins providing inmate Chavez chest compressions. Medical staff arrives with a gurney. AED was on site.
- 1833 hours: Inmate Chavez is placed on the gurney and moved out of T34 A Pod housing unit. Detention Officer Moody continues with chest compressions.
- 1832 hours: Phoenix Fire Engine & Engine #21 arrive at LBJ.
- 1834 hours: Phoenix Fire Engine arrive at LBJ main clinic.
- 1836 hours: Inmate Chavez arrives at the LBJ main clinic.
- 1841 hours: Inmate Chavez is moved out of LBJ main clinic by Phoenix Fire.
- 1843 hours: Phoenix Fire Ambulance #21 departs with inmate Chavez

104. At approximately 1837 hours, after arriving to the LBJ main clinic, Phoenix Fire personnel took over for CPR and rescue attempts by tapping Officer Moody's arm and telling him, "You can stop." Phoenix Fire personnel also stated they could feel a carotid pulse at that time.

105. It took another seven minutes to get Chavez on the road to the Emergency Room.

106. It took another 12 minutes to arrive to Banner Good Samaritan Hospital.

107. It took nearly a full hour following Chavez' suicide attempts to provide trauma care for his injuries.

108. There lies a concept in medical care that a patient must be seen and provided definitive care within one hour of the injuries. This concept is called the "Golden Hour."

1 While some patients can recover fully with proper immediate care, a lack of oxygen to the
2 brain is deadly to a human being within minutes.

3 109. According to the National Library of Medicine, “Attempted suicidal
4 hanging: an uncomplicated recovery” written by Sarathchandra Kodikara, Dec 2012 found
5 and retrieved January 25, 2023 at <https://pubmed.ncbi.nlm.nih.gov/22333907/>:

6 Although hanging is common across the world, survival after attempted
7 hanging is very rare with death usually *occurring within minutes* or over the
8 first 24 hours. If the person survives the initial event, later he/she may die
9 because of the severity of the initial hypoxic and ischemic brain damage.
10 Survival from hanging is often associated with various complications including
11 a large variety of neurological consequences. This case report highlights a rare
12 case of survival in attempted hanging of a 35-year-old man, with previous
13 suicide ideation. Within 15 minutes of the incident, he was brought to a tertiary
14 care hospital. On admission, he was unconscious and the Glasgow Coma Scale
15 was 4 with tachycardia, weak pulse, bradypnea, and shallow breathing. With
16 vigorous and prompt resuscitation methods, he gradually recovered without any
17 residual neurological outcome. Prognostically good results could be achieved,
18 if such victims are vigorously and promptly resuscitated, irrespective of their
19 initial presentation. (emphasis added).

20 110. In that report, a man attempted to hang himself, but was found and brought
21 to a hospital within 15 minutes of the injury. That man survived.

22 111. In Chavez’ case, he wasn’t found for at least 25 minutes – probably longer –
23 and was effectively brain dead. There is no coming back from brain death.

24 112. Not only was Chavez not treated properly until at a bare minimum of 56
25 minutes, but he had also been left without oxygen to the brain for over 25 minutes prior to
26 discovery of his attempted suicide.

27 113. If not for the egregious and grossly negligent actions of Defendants and
28 potentially unknown at this time employees, agents, and officers, Alexander Chavez would
have benefited from life-saving prompt treatment of his traumatic injuries.

114. Myriad clinical research studies illustrate significantly improved patient outcomes for patients discovered within minutes of a hanging.

115. The officers here ignored their duties and did not perform a headcount at 1800 hours as required.

116. This – coupled with Alexander not being on suicide watch – created an inability to have discovered Chavez to prevent him from hanging for over 25 minutes.

117. It is incumbent upon Paul Penzone and the wardens, captains, directors, supervisors, corrections officers, Smith, Moody, Dimas, Park, Magat, Hawkins, Montano, Dailey, Martin, Hertig, Espinosa and the MCSO to fulfill the duty assured to Alexander Chavez and all inmates under the United States Constitution, including without limitation:

- Maintain physical control over all inmates to prevent harm to both staff and other inmates; and
- Implement, evaluate and maintain security procedures and protocols in accordance with industry standards to protect both staff and other inmates; and
- Act affirmatively to protect inmates when a potential threat or risk of harm to either staff or another inmate becomes known to them; and
- Hire, train, and supervise corrections officers and staff in a manner that thoroughly ensures the mission of the Arizona Department of Corrections is carried out regarding the physical protection of all staff and inmates; and
- Maintain strong presence of supervision, control, and oversight over corrections officers and all prison personnel; and
- Provide medical care and treatment for all inmates according to the standard of care recognized by the industry.

118. Based upon the deliberate indifference to the security of Alexander Chavez' physical person relative to the events leading up to the suicide attempt, coupled with the egregiously negligent and deliberately indifferent actions of Defendants in failing to properly assess Alexander Chavez' mental state and condition, it is evident that Maricopa, MCSO, CHS, its wardens, associate wardens, directors, captains, commanders,

1 supervisors, corrections officers, health professionals, and staff have breached each of
2 these duties proscribed by law.

3 119. As a direct and proximate result of these myriad breaches, Alexander Chavez
4 died.

5 120. Each of the Defendants were negligent, and in fact grossly negligent, in that
6 they had a nondelegable duty to care for and protect Chavez and failed to act despite
7 realizing that their acts, omissions to act and other conduct created a high probability that
8 substantial harm would be visited upon Alexander Chavez.

9 121. Further, the acts and omissions detailed herein constitute additional
10 actionable torts under statutes of the State of Arizona and common law.

11 122. The actions of the MCSO through Sheriff Paul Penzone, the Jail through
12 Brandon Smith, and MCSO employees, agents, and corrections officers including Smith,
13 Moody, Dimas, Park, Magat, Hawkins, Montano, Dailey, Martin, Hertig, and Espinosa
14 have violated the rights of Alexander Chavez under the United States and Arizona
15 Constitutions, including without limit his Eighth and Fourteenth Amendment rights.

16 123. The actions of CHS through Tegeler, Chester, Rainey, Marsland, and CHS
17 employees and agents have violated the rights of Alexander Chavez under the United States
18 and Arizona Constitutions, including without limit his Eighth and Fourteenth Amendment
19 rights.
20

21 124. Following Chavez' second suicide attempt, Chavez was classified with the
22 following flags:
23

- 24 • 841 Red Dot 8/5/2022 8/5/2022
- 25 • 96 COWS 8/7/2022 8/7/2022 8/21/2022
- 26 • 834 Opioid Use 8/7/2022 8/7/2022
- 27 • 167 Bottom Bunk (BB) 8/7/2022 8/7/2022
- 28

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- 168 Bottom Tier (BT) 8/7/2022 8/7/2022
- 193 No Work No Tents (NWNT) 8/7/2022 8/7/2022
- 828 Proxy Medium 8/7/2022 8/7/2022
- 161 Suicide Attempt History While Incarcerated 8/9/2022 8/9/2022
- 52 Suicide Watch - Potential 8/9/2022 8/9/2022
- He was also classified with “Problems” by CHS:
- Red Dot 8/5/2022
- COWS 8/6/2022
- Opioid Use 8/6/2022
- Bottom Bunk (BB) 8/6/2022
- Bottom Tier (BT) 8/6/2022
- No WorkNo Tents (NWNT) 8/6/2022
- Suicide Attempt History While Incarcerated 8/8/2022
- Suicide Watch - Potential 8/8/2022

125. On August 8, 2022 at 6:59PM, after he had already hung himself, Chavez was added to the Suicide Watch list.

126. Had the Defendants done a proper assessment of Chavez’ mental state, it would have been easily discerned that Chavez was in fact a suicide risk.

127. In fact, CHS knew that Chavez was a suicide risk after his first suicide attempt.

128. Rainey provided Chavez with a Suicide Prevention/Awareness pamphlet in the early hours of August 6, 2022 and then Chavez was re-classified from psychiatric to general population and thrown out to deal with his withdrawal symptoms with no help.

129. Defendants could have properly assessed his condition and placed him on suicide watch at intake – instead of after the fact.

130. The actions and inactions of Defendants – including those individuals known or unknown –violated the Eighth Amendment to the United States Constitution, which is mirrored by Art. 2 § 15 of the Arizona Constitution. Such violations of civil rights are actionable pursuant to 42 U.S.C. § 1983 et seq. As the United States Supreme Court has determined:

131. The [Eighth] Amendment embodies

'broad and idealistic concepts of dignity, civilized standards, humanity, and decency' against which we must evaluate penal measures. Thus, we have held repugnant to the Eighth Amendment punishments which are incompatible with 'the evolving standards of decency that mark the progress of a maturing society,' or which 'involve the unnecessary and wanton infliction of pain.' These elementary principles establish the government's obligation to provide medical care for those whom it is punishing by incarceration. An inmate must rely on prison authorities to treat his medical needs; if the authorities fail to do so, those needs will not be met. In the worst cases, such a failure may actually provide physical 'torture or a lingering death,' the evils of most immediate concern to the drafters of the Amendment. In less serious cases, denial of medical care may result in pain and suffering which no one suggests would serve any penological purpose. The infliction of such unnecessary suffering is inconsistent with contemporary standards of decency as manifested in modern legislation codifying the common law view that '(i) is but just that the public be required to care for the prisoner, who cannot by reason of the deprivation of liberty, care for himself.' We therefore conclude that deliberate indifference to serious medical needs of prisoners constitutes the 'unnecessary infliction of pain.'

Estelle v. Gamble, 429 U.S. 97, 102-05 (1976) (internal citations omitted).

COUNT I

Violation of Civil Rights Under the Eighth and Fourteenth Amendments and 42 U.S.C. § 1983.

132. Plaintiffs incorporate the allegations in the foregoing paragraphs as though fully set forth herein.

133. The Eighth Amendment to the United States Constitution, which applies to the Defendants pursuant to the Due Process Clause of the Fourteenth Amendment, forbids

1 one who acts under color of state law from being deliberately indifferent to the serious
2 needs of individuals in their care, custody and control.

3 134. At all relevant times, Defendants were acting under color of law.

4 135. At all relevant times, Alexander Chavez was in the care, custody and control
5 of Defendants.

6 136. Among other things, Defendants, through their education and training, knew
7 or should have known the procedures for an accurate and careful assessment of an inmate
8 who had already attempted suicide, but deliberately ignored that fact and failed to keep
9 Alexander Chavez under suicide watch that would have kept Alexander Chavez alive.

10 137. Among other things, Defendant are aware or should be aware of their
11 responsibilities and duties toward an inmate who had already attempted suicide – namely
12 keeping him under suicide watch.

13 138. Among other things, Defendants are aware or should be aware of security
14 issues that can arise based on their experience and their various responsibilities and duties
15 required to provide a safe and secure environment for inmates of the Jail.

16 139. The conduct of Defendants in this regard was objectively unreasonable and
17 was undertaken with a willful, reckless and malicious indifference to the constitutional
18 rights and liberty interests of Alexander Chavez and the Plaintiffs, and with no regard to
19 the likelihood that harm would and did result, and that Alexander Chavez would and did
20 suffer needlessly while in their care.

21 140. The deliberate indifference to the serious needs of Alexander Chavez
22 constitutes unnecessary and wanton infliction of pain proscribed by the Eighth Amendment
23 and is in violation of 42 U.S.C. §1983, whether the indifference is manifested by
24 Defendants in response to Alexander Chavez' suicidal actions, or intentionally or delaying
25 classifying Alexander Chavez as a suicide risk.

26 141. As a direct and proximate result of the deliberate indifference of Defendants,
27 Alexander Chavez suffered extraordinary pain and premature death, and Plaintiffs have
28 suffered damages.

142. As a direct and proximate result of the deliberate indifference of Defendants,

1 Plaintiffs have forever lost the liberty interest guaranteed to them by the Fourteenth
2 Amendment to enjoy the companionship, society and support of Alexander Chavez.

3 143. The acts and omissions of Defendants were of such a nature to entitle
4 Plaintiffs each to an award of exemplary and punitive damages to punish the wrongful
5 conduct alleged herein and to deter such conduct in the future.

6 144. Pursuant to 42 U.S.C. §1988 and other applicable law, Plaintiffs are also
7 entitled to an award of incurred attorneys' fees and costs.

8 **COUNT II**

9 **Wrongful Death Pursuant to A.R.S. §12-611**

10 145. Plaintiffs incorporate the allegations in the foregoing paragraphs as though
11 fully set forth herein.

12 146. Defendants had a duty to assure the safety and well-being of Alexander
13 Chavez while in their care, custody and control, a duty that included, without limitation,
14 providing proper, appropriate and timely care to Alexander Chavez.

15 147. Defendants breached their duties to Alexander Chavez, as identified in the
16 allegations set forth in the paragraphs above.

17 148. Despite being the sole caretakers of Alexander Chavez, Defendants were
18 negligent and grossly negligent by failing to properly classify, place, and watch Alexander
19 Chavez, that would have saved Alexander Chavez' life.

20 149. Despite being assigned to monitor the security and welfare of the inmates
21 housed in the Jail, Defendants were negligent and grossly negligent in their failure to
22 perform their required duties in conducting inmate checks during the verified time of
23 Alexander Chavez' second suicide attempt.

24 150. Defendants undertook a duty to provide adequate supervision and
25 classification to the inmates of the Jail. This includes (1) the duty to supervise all of its
26 employees and agents, and (2) the duty to ensure that its employees and agents satisfy all
27 federal, state, and applicable industry standards.

28 151. Defendants breached their duties, as identified by the allegations set forth in
the paragraphs above, by among things and without limitation willfully participating in a

1 practice or custom that denied Alexander Chavez adequate monitoring and placement, and
2 by ratifying improper conditions, customs, policies, procedures and/or practices that
3 jeopardized the safety of Alexander Chavez.

4 152. Additionally, Defendant Maricopa is vicariously liable for the acts and
5 omissions of their employees, including without limitation those employees listed herein
6 as defendants,

7 153. As a direct and proximate result of the negligent actions of Defendants and
8 their employees and agents, Alexander Chavez suffered an untimely and preventable death.

9 154. As a direct and proximate result of the negligent actions of Defendants and
10 their employees and agents, Plaintiffs have been deprived of the continued companionship
11 and society of their son and father, and have suffered and continue to suffer the loss of a
12 loved one, affection, companionship, care, protection, guidance, as well as pain, grief,
13 sorrow, anguish, stress, shock, mental suffering, and have suffered both economic and non-
14 economic damages in an amount to be proven at trial.

15 155. Additionally, the acts of Defendants and their employees and agents, as set
16 forth above, demonstrate gross and wanton negligence in that each of them knew or had
17 reason to know that their acts individually and collectively created an unreasonable risk of
18 bodily harm to Alexander Chavez and a high probability that substantial harm would result.

19 156. In causing the painful, barbaric and premature death of Alexander Chavez,
20 Defendants and their employees and agents acted with an evil mind and a malignant heart
21 warranting an award of punitive damages.

22 COUNT III

23 Survivorship Action Pursuant to A.R.S. §14-3110

24 157. Plaintiffs incorporate the allegations in the foregoing paragraphs as though
25 fully set forth herein.

26 158. Defendants had a duty to assure the safety and well-being of Alexander
27 Chavez while in their care, custody and control, a duty that included, without limitation,
28 providing proper, appropriate and timely care to Alexander Chavez.

159. Defendants breached their duties to Alexander Chavez, as identified in the

1 allegations set forth in the paragraphs above.

2 160. Despite being the sole caretakers of Alexander Chavez, Defendants were
3 negligent and grossly negligent by failing to properly classify, place, and watch Alexander
4 Chavez, that would have saved Alexander Chavez' life.

5 161. Despite being assigned to monitor the security and welfare of the inmates
6 housed in the Jail, Defendants were negligent and grossly negligent in their failure to
7 perform their required duties in conducting inmate checks during the verified time of
8 Alexander Chavez' second suicide attempt.

9 162. Defendants undertook a duty to provide adequate supervision and
10 classification to the inmates of the Jail. This includes (1) the duty to supervise all of its
11 employees and agents, and (2) the duty to ensure that its employees and agents satisfy all
12 federal, state, and applicable industry standards.

13 163. Defendants breached their duties, as identified by the allegations set forth in
14 the paragraphs above, by among things and without limitation willfully participating in a
15 practice or custom that denied Alexander Chavez adequate monitoring and placement, and
16 by ratifying improper conditions, customs, policies, procedures and/or practices that
jeopardized the safety of Alexander Chavez.

17 164. Additionally, Defendant Maricopa is vicariously liable for the acts and
18 omissions of their employees, including without limitation those employees listed herein
19 as defendants,

20 165. As a direct and proximate result of the negligent actions of Defendants and
21 their employees and agents, Alexander Chavez suffered an untimely and preventable death.

22 166. As a direct and proximate result of the negligent actions of Defendants and
23 their employees and agents, Chavez endured extreme pain and suffering from August 6,
24 2022 until August 12, 2022, lost his ability to earn income following his death, and lost the
ability to provide support to his family.

25 167. As a result, Chavez suffered both economic and non-economic damages in
26 an amount to be proven at trial.

27 168. Additionally, the acts of Defendants and their employees and agents, as set
28

1 forth above, demonstrate gross and wanton negligence in that each of them knew or had
2 reason to know that their acts individually and collectively created an unreasonable risk of
3 bodily harm to Alexander Chavez and a high probability that substantial harm would result.

4 169. In causing the painful, barbaric and premature death of Alexander Chavez,
5 Defendants and their employees and agents acted with an evil mind and a malignant heart
6 warranting an award of punitive damages.

7 **COUNT IV**

8 **Negligence and Gross Negligence**

9 170. Plaintiffs incorporate the allegations in the foregoing paragraphs as though
10 fully set forth herein.

11 171. At all relevant times, each and every Defendant had an individual and
12 collective duty to exercise ordinary care for the safety of Alexander Chavez.

13 172. This includes taking certain actions and refraining from other actions such
14 that the Jail was operated in a manner that maintained effective custody and control over
15 inmates in a safe, secure and humane environment.

16 173. Defendants breached that duty systematically and repeatedly, including their
17 acts and omissions set forth above, resulting in the Jail being operated in a manner such
18 that presented a grave and imminent danger to Alexander Chavez.

19 174. As a direct and proximate result of Defendants' breach, Alexander Chavez
20 sustained severe and permanent injuries, endured extreme pain and suffering, lost the
21 ability to have and maintain meaningful familial relationships, and eventually lost his life.

22 175. Defendants' acts and omissions to act set forth above, also demonstrate gross
23 and wanton negligence in that each of them knew or had reason to know that their acts
24 individually and collectively created an unreasonable risk of bodily harm to Neil and a high
25 probability that substantial harm would result.

26 **COUNT V**

27 **Negligent Hiring, Training, Supervision and Retention**

176. Plaintiffs re-allege and incorporate by reference the allegations set forth in the preceding paragraphs of this Complaint.

177. Defendants Maricopa, MCSO, CHS, Penzone, Tegeler, and Smith owed a duty to Alexander Chavez to ensure that their employees, officers and agents were qualified to serve in their respective roles before hiring and assigning employees to provide medical care for inmates.

178. Defendants Maricopa, MCSO, CHS, Penzone, Tegeler, and Smith also owed Alexander Chavez a duty to ensure that their employees, officers, and agents were properly trained and possessed the skill and knowledge to perform their assigned job tasks in a competent manner.

179. As set forth above, Defendants Maricopa, MCSO, CHS, Penzone, Tegeler, and Smith breached these duties.

180. As a direct and proximate result of Defendants' breaches of these duties, Alexander Chavez was damaged in that he, among other things, suffered extreme pain and suffering, lost the ability to have and maintain meaningful familial relationships, lost his life and sustained other damages that will be demonstrated at trial.

JURY TRIAL DEMAND

181. Plaintiffs hereby demand a jury trial in this matter as to all claims and against all Defendants.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs requests that the Court enter judgment against the Defendants and in favor of the Plaintiffs, as follows:

- a) For compensatory, general and special damages against each and every Defendant, jointly and severally, in an amount to be proven at trial;
- b) For all other non-pecuniary damages as to be proven at trial;
- c) For punitive and exemplary damages against Defendants in an amount appropriate to punish the wrongful conduct alleged herein and to deter such conduct in the future;

- 1 d) For pre-and post judgment interest to the extent provided by law;
2 e) For Plaintiffs' incurred costs, including all incurred attorneys' fees and court
3 costs, pursuant to 42 U.S.C. §1988 and as otherwise authorized by any other
4 statute or law; and
5 f) For such other relief as this Court may deem proper.

6 **RESPECTFULLY SUBMITTED** this 8th day of August 2023.

7
8 **MILLS + WOODS LAW, PLLC**

9
10 By /s/ Sean A. Woods
11 Sean A. Woods
12 Robert T. Mills
13 5055 North 12th Street, Suite 101
14 Phoenix, Arizona 85014
15 *Attorneys for Plaintiffs*

16 **ORIGINAL** filed this 8th day of August 2023
17 via AZTurboCourt with the Clerk of the
18 Maricopa County Superior Court

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27
28
/s/ Ben Dangerfield

MILLS + WOODS LAW, PLLC
5055 North 12th Street, Ste 101
Phoenix, AZ 85014
Telephone: 480.999.4556

Attachment 5

Person/Attorney Filing: Sean A. Woods
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Phone Number: (480)999-4556
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[☐] Representing Self, Without an Attorney
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IN AND FOR THE COUNTY OF MARICOPA

Debra Morales Ruiz, et al.
Plaintiff(s),
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County of Maricopa, et al.
Defendant(s).

Case No. **CV2023-012042**

**CERTIFICATE OF
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Maricopa County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Sean A. Woods /s/
Plaintiff/Attorney for Plaintiff

Person/Attorney Filing: Sean A. Woods
Mailing Address: 5055 N. 12th St. Suite 101
City, State, Zip Code: Phoenix, AZ 85014
Phone Number: (480)999-4556
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SUMMONS

To: County of Maricopa

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Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *August 08, 2023*

JEFF FINE
Clerk of Superior Court

By: *L. MARTINEZ*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

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Defendant(s).

Case No. CV2023-012042

SUMMONS

To: Maricopa County Sheriff's Office

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Case No. **CV2023-012042**

SUMMONS

To: Maricopa County Correctional Health Svcs

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Plaintiff(s),
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Defendant(s).

Case No. CV2023-012042

SUMMONS

To: Brandon Smith

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Defendant(s).

Case No. CV2023-012042

SUMMONS

To: Jane Doe Smith

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Case No. **CV2023-012042**

SUMMONS

To: Paul Penzone

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Case No. CV2023-012042

SUMMONS

To: Jane Doe Penzone

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GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *August 08, 2023*

JEFF FINE
Clerk of Superior Court

By: *L. MARTINEZ*
Deputy Clerk



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E-Mail Address: swoods@millsandwoods.com
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(If Attorney) State Bar Number: 028930, Issuing State: AZ

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IN AND FOR THE COUNTY OF MARICOPA

Debra Morales Ruiz, et al.
Plaintiff(s),
v.
County of Maricopa, et al.
Defendant(s).

Case No. **CV2023-012042**

SUMMONS

To: Thomas Tegeler

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Case No. CV2023-012042

SUMMONS

To: Jane Doe Tegeler

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Case No. CV2023-012042

SUMMONS

To: Kyle Moody

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**In the Superior Court of the State of Arizona
In and For the County of Maricopa**

Clerk of the Superior Court
*** Electronically Filed ***
L. Martinez, Deputy
8/8/2023 10:03:13 PM
Filing ID 16411121

Plaintiff's Attorneys:

Sean A. Woods - Primary Attorney
Bar Number: 028930, issuing State: AZ
Law Firm: Mills + Woods Law, PLLC
5055 N. 12th St. Suite 101
Phoenix, AZ 85014
Telephone Number: (480)999-4556
Email address: swoods@millsandwoods.com

CV2023-012042

Robert T. Mills
Bar Number: 018853, issuing State: AZ
Law Firm: Mills + Woods Law, PLLC
Telephone Number: (480)999-4556

Plaintiffs:

Debra Morales Ruiz

The Estate of Alexander Chavez

Alex George Chavez

Defendants:

County of Maricopa

Maricopa County Sheriff's Office

Maricopa County Correctional Health Svcs

Brandon Smith

Jane Doe Smith

Paul Penzone

Jane Doe Penzone

Thomas Tegeler

Jane Doe Tegeler

Kyle Moody

Jane Doe Moody

Arturo Dimas

Jane Doe Dimas

Tyler Park

Jane Doe Park

Gerardo Magat

Jane Doe Magat

Daniel Hawkins JR

Jane Doe Hawkins

Javier Montano

Jane Doe Montano

James Dailey

Jane Doe Dailey

Trevor Martin

Jane Doe Martin

Gregory Hertig

Jane Doe Hertig

John Chester

Jane Doe Chester

AZTurboCourt.gov Form Set #8182643

Jorge Espinosa JR

Jane Doe Espinosa

Morgan Rainey

John Doe Rainey

Stefanie Marsland

John Doe Marsland

Discovery Tier t3

Case Category: Other Civil Case Categories

Case Subcategory: Civil Rights Violations

Person/Attorney Filing: Sean A. Woods
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SUMMONS

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SUMMONS

To: Arturo Dimas

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SUMMONS

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SUMMONS

To: Tyler Park

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SUMMONS

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Case No. **CV2023-012042**

SUMMONS

To: Gerardo Magat

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SUMMONS

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JEFF FINE
Clerk of Superior Court

By: *L. MARTINEZ*
Deputy Clerk



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Person/Attorney Filing: Sean A. Woods
Mailing Address: 5055 N. 12th St. Suite 101
City, State, Zip Code: Phoenix, AZ 85014
Phone Number: (480)999-4556
E-Mail Address: swoods@millsandwoods.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 028930, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Debra Morales Ruiz, et al.
Plaintiff(s),
v.
County of Maricopa, et al.
Defendant(s).

Case No. CV2023-012042

SUMMONS

To: Daniel Hawkins JR

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Case No. CV2023-012042

SUMMONS

To: Jane Doe Hawkins

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Case No. CV2023-012042

SUMMONS

To: Javier Montano

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SUMMONS

To: Jane Doe Montano

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Plaintiff(s),
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Case No. CV2023-012042

SUMMONS

To: James Dailey

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Plaintiff(s),
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Case No. CV2023-012042

SUMMONS

To: Jane Doe Dailey

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Plaintiff(s),
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Case No. **CV2023-012042**

SUMMONS

To: Trevor Martin

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SUMMONS

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SUMMONS

To: Gregory Hertig

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SUMMONS

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SUMMONS

To: John Chester

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By: *L. MARTINEZ*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

Person/Attorney Filing: Sean A. Woods
Mailing Address: 5055 N. 12th St. Suite 101
City, State, Zip Code: Phoenix, AZ 85014
Phone Number: (480)999-4556
E-Mail Address: swoods@millsandwoods.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 028930, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Debra Morales Ruiz, et al.
Plaintiff(s),
v.
County of Maricopa, et al.
Defendant(s).

Case No. CV2023-012042

SUMMONS

To: Jane Doe Chester

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *August 08, 2023*

JEFF FINE
Clerk of Superior Court

By: *L. MARTINEZ*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

Person/Attorney Filing: Sean A. Woods
Mailing Address: 5055 N. 12th St. Suite 101
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Phone Number: (480)999-4556
E-Mail Address: swoods@millsandwoods.com
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(If Attorney) State Bar Number: 028930, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Debra Morales Ruiz, et al.
Plaintiff(s),
v.
County of Maricopa, et al.
Defendant(s).

Case No. **CV2023-012042**

SUMMONS

To: Jorge Espinosa JR

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *August 08, 2023*

JEFF FINE
Clerk of Superior Court

By: *L. MARTINEZ*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

Person/Attorney Filing: Sean A. Woods
Mailing Address: 5055 N. 12th St. Suite 101
City, State, Zip Code: Phoenix, AZ 85014
Phone Number: (480)999-4556
E-Mail Address: swoods@millsandwoods.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 028930, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Debra Morales Ruiz, et al.
Plaintiff(s),
v.
County of Maricopa, et al.
Defendant(s).

Case No. CV2023-012042

SUMMONS

To: Jane Doe Espinosa

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *August 08, 2023*

JEFF FINE
Clerk of Superior Court

By: *L. MARTINEZ*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

Person/Attorney Filing: Sean A. Woods
Mailing Address: 5055 N. 12th St. Suite 101
City, State, Zip Code: Phoenix, AZ 85014
Phone Number: (480)999-4556
E-Mail Address: swoods@millsandwoods.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 028930, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Debra Morales Ruiz, et al.
Plaintiff(s),
v.
County of Maricopa, et al.
Defendant(s).

Case No. CV2023-012042

SUMMONS

To: Morgan Rainey

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *August 08, 2023*

JEFF FINE
Clerk of Superior Court

By: *L. MARTINEZ*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

****FILED****
10/18/2023
by Superior Court Admin
on behalf of Clerk of the
Superior Court

Ct. Admin
Deputy

County Of Maricopa

Superior Court of Maricopa County - integrated Court Information System
Endorsee Party Listing
Case Number: CV2023-012042

Party Name	Attorney Name	
Alex George Chavez	Sean Woods	Bar ID: 028930
Debra Morales Ruiz	Sean Woods	Bar ID: 028930
Estate Of Alexander Chavez, The	Sean Woods	Bar ID: 028930

CLERK OF THE
SUPERIOR COURT
FILED
E. GUERRERO, DEP

23 NOV -2 PM 4: 22

T. Scott Legal Support Services
Gary Steiner ID# MC 7767
(480) 227-7297
Tscottlegal2007@aol.com

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In re the matter of:

DEBRA MORALES RUIZ,

Case No: CV2023-012042

Plaintiff(s),

CERTIFICATE OF SERVICE


v.

COUNTY OF MARICOPA, et al.,

Defendant(s).

1. I, Gary Steiner, swear that I am currently registered as a Private Process Server pursuant to Rule 4(c) of the Arizona Rules of Civil Procedure. I further swear that on October 30, 2023, I received; Summons, Complaint and a Certificate Of Compulsory Arbitration from The Plaintiff(s).
2. I then proceeded to successfully serve the above described documents on the County Of Maricopa at the Clerk of the Maricopa County Board of Supervisors, 301 W. Jefferson St., 10th Fl., Phoenix, Arizona on October 30, 2023 at approximately 3:45 pm. I verified Deborah Corwin, Special Deputy Clerk. could accept service and served her.
3. This is considered to be personal service.
4. The fee I charged for this service was \$85.

I declare under the penalty of perjury that the foregoing is true and correct


Gary Steiner

11/2/23
Date

CLERK OF THE
SUPERIOR COURT
FILED
E. GUERRERO, DEP

23 NOV -2 PM 4:22

T. Scott Legal Support Services
Gary Steiner ID# MC 7767
(480) 227-7297
Tscottlegal2007@aol.com

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In re the matter of:

DEBRA MORALES RUIZ,

Plaintiff(s),

v.

COUNTY OF MARICOPA, et al.,

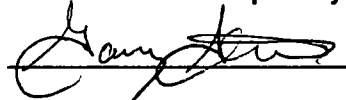
Defendant(s).

Case No: CV2023-012042

CERTIFICATE OF SERVICE

1. I, Gary Steiner, swear that I am currently registered as a Private Process Server pursuant to Rule 4(c) of the Arizona Rules of Civil Procedure. I further swear that on October 30, 2023, I received; Summons, Complaint and a Certificate Of Compulsory Arbitration from The Plaintiff(s).
2. I then proceeded to successfully serve the above described documents on Captain Brandon Smith, Maricopa County Sheriff's Department, 550 W. Jackson, Phoenix, Arizona on October 31, 2023 at approximately 2:50 pm. I verified Stefany Vara, Legal Liaison, could accept service and served her.
3. This is considered to be personal service.
4. The fee I charged for this service was \$85.

I declare under the penalty of perjury that the foregoing is true and correct


Gary Steiner

11/2/23
Date

CLERK OF THE
SUPERIOR COURT
FILED
E. GUERRERO, DEP

23 NOV -2 PM 4:22

T. Scott Legal Support Services
Gary Steiner ID# MC 7767
(480) 227-7297
Tscottlegal2007@aol.com

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In re the matter of:

DEBRA MORALES RUIZ,

Plaintiff(s),

v.

COUNTY OF MARICOPA, et al.,

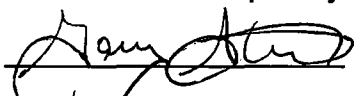
Defendant(s).

Case No: CV2023-012042

CERTIFICATE OF SERVICE

1. I, Gary Steiner, swear that I am currently registered as a Private Process Server pursuant to Rule 4(c) of the Arizona Rules of Civil Procedure. I further swear that on October 30, 2023, I received; Summons, Complaint and a Certificate Of Compulsory Arbitration from The Plaintiff(s).
2. I then proceeded to successfully serve the above described documents on Sheriff Paul Penzone, Maricopa County Sheriff's Department, 550 W. Jackson, Phoenix, Arizona on October 31, 2023 at approximately 2:50 pm. I verified Stefany Vara, Legal Liaison, could accept service and served her.
3. This is considered to be personal service.
4. The fee I charged for this service was \$25.

I declare under the penalty of perjury that the foregoing is true and correct


Gary Steiner

11/2/23
Date

CLERK OF THE
SUPERIOR COURT
FILED
E. GUERRERO, DEP

23 NOV -2 PM 4: 22

T. Scott Legal Support Services
Gary Steiner ID# MC 7767
(480) 227-7297
Tscottlegal2007@aol.com

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In re the matter of:

DEBRA MORALES RUIZ,

Plaintiff(s),

v.

COUNTY OF MARICOPA, et al.,

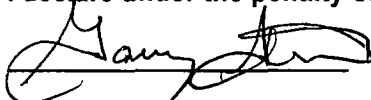
Defendant(s).

Case No: CV2023-012042

CERTIFICATE OF SERVICE

1. I, Gary Steiner, swear that I am currently registered as a Private Process Server pursuant to Rule 4(c) of the Arizona Rules of Civil Procedure. I further swear that on October 30, 2023, I received; Summons, Complaint and a Certificate Of Compulsory Arbitration from The Plaintiff(s).
2. I then proceeded to successfully serve the above described documents on Sheriff Kyle Moody, Maricopa County Sheriff's Department, 550 W. Jackson, Phoenix, Arizona on October 31, 2023 at approximately 2:50 pm. I verified Stefany Vara, Legal Liaison, could accept service and served her.
3. This is considered to be personal service.
4. The fee I charged for this service was \$25.

I declare under the penalty of perjury that the foregoing is true and correct


Gary Steiner

11/2/23
Date

CLERK OF THE
SUPERIOR COURT
FILED
E. GUERRERO, DEP

23 NOV -2 PM 4:22

T. Scott Legal Support Services
Gary Steiner ID# MC 7767
(480) 227-7297
Tscottlegal2007@aol.com

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In re the matter of:

DEBRA MORALES RUIZ,

Plaintiff(s),

v.

COUNTY OF MARICOPA, et al.,


Defendant(s).

Case No: CV2023-012042

CERTIFICATE OF SERVICE

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2. I then proceeded to successfully serve the above described documents on Sheriff Arturo Dimas, Maricopa County Sheriff's Department, 550 W. Jackson, Phoenix, Arizona on October 31, 2023 at approximately 2:50 pm. I verified Stefany Vara, Legal Liaison, could accept service and served her.
3. This is considered to be personal service.
4. The fee I charged for this service was \$25.

I declare under the penalty of perjury that the foregoing is true and correct


Gary Steiner

11/2/23
Date

CLERK OF THE
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FILED
E. GUERRERO, DEP

23 NOV -2 PM 4:22

T. Scott Legal Support Services
Gary Steiner ID# MC 7767
(480) 227-7297
Tscottlegal2007@aol.com

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In re the matter of:

DEBRA MORALES RUIZ,

Plaintiff(s),

v.

COUNTY OF MARICOPA, et al.,

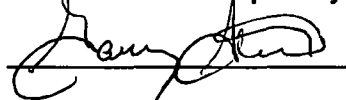
Defendant(s).

Case No: CV2023-012042

CERTIFICATE OF SERVICE

1. I, Gary Steiner, swear that I am currently registered as a Private Process Server pursuant to Rule 4(c) of the Arizona Rules of Civil Procedure. I further swear that on October 30, 2023, I received; Summons, Complaint and a Certificate Of Compulsory Arbitration from The Plaintiff(s).
2. I then proceeded to successfully serve the above described documents on Sheriff Tyler Park, Maricopa County Sheriff's Department, 550 W. Jackson, Phoenix, Arizona on October 31, 2023 at approximately 2:50 pm. I verified Stefany Vara, Legal Liaison, could accept service and served her.
3. This is considered to be personal service.
4. The fee I charged for this service was \$25.

I declare under the penalty of perjury that the foregoing is true and correct


Gary Steiner

11/2/23
Date

CLERK OF THE
SUPERIOR COURT
FILED
E. GUERRERO, DEP

23 NOV -2 PM 4:22

T. Scott Legal Support Services
Gary Steiner ID# MC 7767
(480) 227-7297
Tscottlegal2007@aol.com

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In re the matter of:

DEBRA MORALES RUIZ,

Case No: CV2023-012042

Plaintiff(s),

CERTIFICATE OF SERVICE

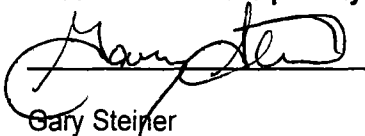
v.

COUNTY OF MARICOPA, et al.,

Defendant(s).

1. I, Gary Steiner, swear that I am currently registered as a Private Process Server pursuant to Rule 4(c) of the Arizona Rules of Civil Procedure. I further swear that on October 30, 2023, I received; Summons, Complaint and a Certificate Of Compulsory Arbitration from The Plaintiff(s).
2. I then proceeded to successfully serve the above described documents on Sheriff Daniel Hawkins, Jr., Maricopa County Sheriff's Department, 550 W. Jackson, Phoenix, Arizona on October 31, 2023 at approximately 2:50 pm. I verified Stefany Vara, Legal Liaison, could accept service and served her.
3. This is considered to be personal service.
4. The fee I charged for this service was \$25.

I declare under the penalty of perjury that the foregoing is true and correct


Gary Steiner

11/27/23
Date

CLERK OF THE
SUPERIOR COURT
FILED
E. GUERRERO, DEP
23 NOV -2 PM 4:22

T. Scott Legal Support Services
Gary Steiner ID# MC 7767
(480) 227-7297
Tscottlegal2007@aol.com

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In re the matter of:

DEBRA MORALES RUIZ,

Case No: CV2023-012042

Plaintiff(s),

CERTIFICATE OF SERVICE

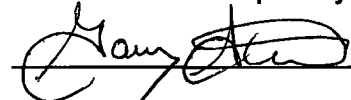
v.

COUNTY OF MARICOPA, et al.,

Defendant(s).

1. I, Gary Steiner, swear that I am currently registered as a Private Process Server pursuant to Rule 4(c) of the Arizona Rules of Civil Procedure. I further swear that on October 30, 2023, I received; Summons, Complaint and a Certificate Of Compulsory Arbitration from The Plaintiff(s).
2. I then proceeded to successfully serve the above described documents on Sheriff Javier Montano, Maricopa County Sheriff's Department, 550 W. Jackson, Phoenix, Arizona on October 31, 2023 at approximately 2:50 pm. I verified Stefany Vara, Legal Liaison, could accept service and served her.
3. This is considered to be personal service.
4. The fee I charged for this service was \$25.

I declare under the penalty of perjury that the foregoing is true and correct


Gary Steiner

11/2/23
Date

CLERK OF THE
SUPERIOR COURT
FILED
E. GUERRERO, DEP

23 NOV -2 PM 4: 22

T. Scott Legal Support Services
Gary Steiner ID# MC 7767
(480) 227-7297
Tscottlegal2007@aol.com

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In re the matter of:

DEBRA MORALES RUIZ,

Case No: CV2023-012042

Plaintiff(s),

CERTIFICATE OF SERVICE

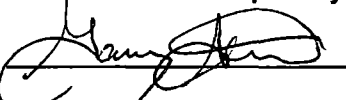
v.

COUNTY OF MARICOPA, et al.,

Defendant(s).

1. I, Gary Steiner, swear that I am currently registered as a Private Process Server pursuant to Rule 4(c) of the Arizona Rules of Civil Procedure. I further swear that on October 30, 2023, I received; Summons, Complaint and a Certificate Of Compulsory Arbitration from The Plaintiff(s).
2. I then proceeded to successfully serve the above described documents on Sheriff Trevor Martin, Maricopa County Sheriff's Department, 550 W. Jackson, Phoenix, Arizona on October 31, 2023 at approximately 2:50 pm. I verified Stefany Vara, Legal Liaison, could accept service and served her.
3. This is considered to be personal service.
4. The fee I charged for this service was \$25.

I declare under the penalty of perjury that the foregoing is true and correct


Gary Steiner

11/2/23
Date

CLERK OF THE
SUPERIOR COURT
FILED
E. GUERRERO, DEP

23 NOV -2 PM 4: 22

T. Scott Legal Support Services
Gary Steiner ID# MC 7767
(480) 227-7297
Tscottlegal2007@aol.com

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In re the matter of:

DEBRA MORALES RUIZ,

Plaintiff(s),

v.

COUNTY OF MARICOPA, et al.,


Defendant(s).

Case No: CV2023-012042

CERTIFICATE OF SERVICE

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2. I then proceeded to successfully serve the above described documents on Sheriff Gregory Hertig, Maricopa County Sheriff's Department, 550 W. Jackson, Phoenix, Arizona on October 31, 2023 at approximately 2:50 pm. I verified Stefany Vara, Legal Liaison, could accept service and served her.
3. This is considered to be personal service.
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Gary Steiner

11/2/23
Date

CLERK OF THE
SUPERIOR COURT
FILED
E. GUERRERO, DEP

23 NOV -2 PM 4:23

T. Scott Legal Support Services
Gary Steiner ID# MC 7767
(480) 227-7297
Tscottlegal2007@aol.com

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In re the matter of:

DEBRA MORALES RUIZ,

Plaintiff(s),

v.

COUNTY OF MARICOPA, et al.,

Defendant(s).

Case No: CV2023-012042

CERTIFICATE OF SERVICE

1. I, Gary Steiner, swear that I am currently registered as a Private Process Server pursuant to Rule 4(c) of the Arizona Rules of Civil Procedure. I further swear that on October 30, 2023, I received: Summons, Complaint and a Certificate Of Compulsory Arbitration from The Plaintiff(s).
2. I then proceeded to successfully serve the above described documents on Director Thomas Tegeler, Maricopa County Correctional Health Services, 234 N. Central Ave., Suite 5100, Phoenix, Arizona on October 31, 2023 at approximately 2:05 pm. I verified Luis Sierra, Contract Supervisor, while on the phone with Deputy Director Jen Martin, could accept service and served him.
3. This is considered to be personal service.
4. The fee I charged for this service was \$85.

I declare under the penalty of perjury that the foregoing is true and correct


Gary Steiner

11/2/23
Date

CLERK OF THE
SUPERIOR COURT
FILED
E. GUERRERO, DEP

23 NOV -2 PM 4:23

T. Scott Legal Support Services
Gary Steiner ID# MC 7767
(480) 227-7297
Tscottlegal2007@aol.com

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In re the matter of:

DEBRA MORALES RUIZ,

Plaintiff(s),

v.

COUNTY OF MARICOPA, et al.,


Defendant(s).

Case No: CV2023-012042

CERTIFICATE OF SERVICE

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2. I then proceeded to successfully serve the above described documents on John Chester, Maricopa County Correctional Health Services, 234 N. Central Ave., Suite 5100, Phoenix, Arizona on October 31, 2023 at approximately 2:05 pm. I verified Luis Sierra, Contract Supervisor, while on the phone with Deputy Director Jen Martin, could accept service and served him.
3. This is considered to be personal service.
4. The fee I charged for this service was \$85.

I declare under the penalty of perjury that the foregoing is true and correct


Gary Steiner

11/2/23
Date

CLERK OF THE
SUPERIOR COURT
FILED
E. GUERRERO, DEP

23 NOV -2 PM 4:23

T. Scott Legal Support Services
Gary Steiner ID# MC 7767
(480) 227-7297
Tscottlegal2007@aol.com

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In re the matter of:

DEBRA MORALES RUIZ,

Plaintiff(s),

v.

COUNTY OF MARICOPA, et al.,

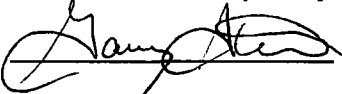
Defendant(s).

Case No: CV2023-012042

CERTIFICATE OF SERVICE

1. I, Gary Steiner, swear that I am currently registered as a Private Process Server pursuant to Rule 4(c) of the Arizona Rules of Civil Procedure. I further swear that on October 30, 2023, I received: Summons, Complaint and a Certificate Of Compulsory Arbitration from The Plaintiff(s).
2. I then proceeded to successfully serve the above described documents on Morgan Rainey, Maricopa County Correctional Health Services, 234 N. Central Ave., Suite 5100, Phoenix, Arizona on October 31, 2023 at approximately 2:05 pm. I verified Luis Sierra, Contract Supervisor, while on the phone with Deputy Director Jen Martin, could accept service and served him.
3. This is considered to be personal service.
4. The fee I charged for this service was \$85.

I declare under the penalty of perjury that the foregoing is true and correct


Gary Steiner

11/2/23
Date

CLERK OF THE
SUPERIOR COURT
FILED
E. GUERRERO, DEP

23 NOV -2 PM 4: 23

T. Scott Legal Support Services
Gary Steiner ID# MC 7767
(480) 227-7297
Tscottlegal2007@aol.com

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In re the matter of:

DEBRA MORALES RUIZ,

Plaintiff(s),

v.

COUNTY OF MARICOPA, et al.,


Defendant(s).

Case No: CV2023-012042

CERTIFICATE OF SERVICE

1. I, Gary Steiner, swear that I am currently registered as a Private Process Server pursuant to Rule 4(c) of the Arizona Rules of Civil Procedure. I further swear that on October 30, 2023, I received; Summons, Complaint and a Certificate Of Compulsory Arbitration from The Plaintiff(s).
2. I then proceeded to successfully serve the above described documents on Stefanie Marsland, Maricopa County Correctional Health Services, 234 N. Central Ave., Suite 5100, Phoenix, Arizona on October 31, 2023 at approximately 2:05 pm. I verified Luis Sierra, Contract Supervisor, while on the phone with Deputy Director Jen Martin, could accept service and served him.
3. This is considered to be personal service.
4. The fee I charged for this service was \$85.

I declare under the penalty of perjury that the foregoing is true and correct


Gary Steiner

11/2/23
Date

Attachment 6

VERIFICATION OF COURTNEY R. GLYNN

STATE OF ARIZONA)

)ss.

County of Maricopa)

I, Courtney R. Glynn, declare under penalty of perjury that I am a Deputy County Attorney with the Maricopa County Attorney's Office, Civil Services Division and that the attached documents are true and complete copies of all pleadings and other documents filed in the state court proceeding *Debra Morales Ruiz vs. Maricopa County*, Maricopa County Superior Court Case No. CV2023-012042.

DATED this day of November 29, 2023.

RACHEL H. MITCHELL
MARICOPA COUNTY ATTORNEY

BY: /s/ Courtney R. Glynn
COURTNEY R. GLYNN, ESQ
Deputy County Attorney

EXHIBIT C

RACHEL H. MITCHELL
MARICOPA COUNTY ATTORNEY

By: COURTNEY R. GLYNN (023155)
MICHAEL E. GOTTFRIED (010623)
Deputy County Attorneys
glynnc@mcao.maricopa.gov
gottfrim@mcao.maricopa.gov

CIVIL SERVICES DIVISION
225 West Madison Street
Phoenix, Arizona 85003
Telephone (602) 506-8541
Facsimile (602) 506-4317
ca-civilmailbox@mcao.maricopa.gov
MCAO Firm No. 00032000

*Attorneys for Maricopa County, Sheriff Paul Penzone,
Dimas, Hawkins, Hertig, Martin, Montano, Moody,
Park, Smith, Chester, Rainey, and Marsland*

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

DEBRA MORALES RUIZ, an individual,
for herself and on behalf of and as pending
Personal Representative of THE ESTATE
OF ALEXANDER CHAVEZ; ALEX
GEORGE CHAVEZ, an individual,

Plaintiff,

v.

COUNTY OF MARICOPA, a
governmental entity; MARICOPA
COUNTY SHERIFF'S OFFICE, a
governmental entity; MARICOPA
COUNTY CORRECTIONAL HEALTH
SERVICES, a governmental entity;
BRANDON SMITH and JANE DOE
SMITH; PAUL PENZONE and JANE DOE

No. CV2023-012042

**NOTICE OF FILING NOTICE OF
REMOVAL**

(Honorable John Hannah)

PENZONE; THOMAS TEGELER and
JANE DOE TEGELER; KYLE MOODY
and JANE DOE MOODY; ARTURO
DIMAS and JANE DOE DIMAS; TYLER
PARK and JANE DOE PARK; GERARDO
MAGAT and JANE DOE MAGAT;
DANIEL HAWKINS JR. and JANE DOE
HAWKINS; JAVIER MONTANO and
JANE DOE MONTANO; JAMES DAILEY
and JANE DOE DAILEY; TREVOR
MARTIN and JANE DOE MARTIN;
GREGORY HERTIG and JANE DOE
HERTIG; JOHN CHESTER and JANE
DOE CHESTER; JORGE ESPINOSA JR.
and JANE DOE ESPINOSA; MORGAN
RAINEY and JANE DOE RAINEY;
STEFANIE MARSLAND and JOHN
DOES MARSLAND; and JOHN AND
JANE DOES 1-140

Defendants.

TO THE CLERK OF THE COURT AND PLAINTIFFS:

PLEASE TAKE NOTICE THAT Defendants Maricopa County, Sheriff Paul Penzone, Dimas, Hawkins, Hertig, Martin, Montano, Moody, Park, Smith, Chester, Rainey, and Marsland, through undersigned counsel, hereby notify this Court that they are filing/have filed a Notice of Removal of this action to the United States District Court for the District of Arizona.

A copy of the Notice of Removal without attachments filed today, November 29, is attached hereto as Exhibit A.

RESPECTFULLY SUBMITTED this 29th day of November, 2023.

RACHEL H. MITCHELL
MARICOPA COUNTY ATTORNEY

/s/ Courtney R. Glynn

Courtney R. Glynn, Esq.

Michael E. Gottfried, Esq.

*Attorneys for Maricopa County, Sheriff
Paul Penzone, Dimas, Hawkins, Hertig,
Martin, Montano, Moody, Park, Smith,
Chester, Rainey, and Marsland*

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2023, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the TurboCourt System for filing and transmittal of a Notice of Electronic Filing to the following registrants:

Honorable John Hannah
Maricopa County Superior Court
East Court Building-811
101 West Jefferson
Phoenix, AZ 85003

Sean A. Woods
Robert T. Mills
MILLS + WOODS LAW, PLLC
5055 North 12th Street, Suite 101
Phoenix, AZ 85014
Attorneys for Plaintiff

/s/ S. R.

S:\CIVIL\CIV\Matters\CJ\2023\Ruiz v. MC, et al. 2023-0228\Removal\NOF (State Court).docx

EXHIBIT A

RACHEL H. MITCHELL
MARICOPA COUNTY ATTORNEY

By: COURTNEY R. GLYNN (023155)
MICHAEL E. GOTTFRIED (010623)
glynnc@mcao.maricopa.gov
gottfrim@mcao.maricopa.gov
Deputy County Attorneys
MCAO Firm No. 00032000

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225 West Madison Street
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Fax (602) 506-4316
ca-civilmailbox@mcao.maricopa.gov

*Attorneys for Maricopa County, Sheriff Paul Penzone,
Dimas, Hawkins, Hertig, Martin, Montano, Moody,
Park, Smith, Chester, Rainey, and Marsland*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Debra Morales Ruiz, An Individual, For
Herself And On Behalf Of And As
Pending Personal Representative Of The
Estate Of Alexander Chavez; Alex George
Chavez, An Individual,

Plaintiff,

v.

County Of Maricopa, A Governmental
Entity; Maricopa County Sheriff's Office,
A Governmental Entity; Maricopa County
Correctional Health Services, A
Governmental Entity; Brandon Smith And
Jane Doe Smith; Paul Penzone, And Jane
Doe Penzone; Thomas Tegeler And Jane
Doe Tegeler; Kyle Moody And Jane Doe
Moody; Arturo Dimas And Jane Doe

No. _____

**NOTICE OF REMOVAL OF MARICOPA
COUNTY SUPERIOR COURT CASE NO.
CV2023-012042 TO THE UNITED STATES
DISTRICT COURT**

Dimas; Tyler Park And Jane Doe Park;
 Gerardo Magat And Jane Doe Magat;
 Daniel Hawkins Jr. And Jane Doe
 Hawkins; Javier Montano And Jane Doe
 Montano; James Dailey And Jane Doe
 Dailey; Trevor Martin And Jane Doe
 Martin; Gregory Hertig And Jane Doe
 Hertig; John Chester And Jane Doe
 Chester; Jorge Espinosa Jr. And Jane Doe
 Espinosa; Morgan Rainey And Jane Doe
 Rainey; Stefanie Marsland And John Does
 Marsland; And John And Jane Does 1-140

Defendants

Defendant Maricopa County Sheriff's Office, Sheriff Paul Penzone, Brent Williams, Jonhatan Franco, Jeffrey Scott by and through undersigned counsel and pursuant to 28 U.S.C. §§1441(c), §1446(a-b), and Rule 3.6, Rules of Practice of the United States District Court for the District of Arizona, notices the removal of the above-captioned case, cause number CV2023-009685, from the Arizona Superior Court, Maricopa County, to this Court, and in support of removal asserts the following:

1. On or about June 27, 2023, Plaintiff filed a Complaint against Defendant in the Superior Court of the State of Arizona for the County of Maricopa under the caption Debra Morales Ruiz v. Maricopa County, et al., *No.* CV2023-012042. A copy of the Complaint, and all other documents previously filed in this matter and served on Defendant are attached hereto within Exhibit "B". (Exhibit "A" is the Civil Cover Sheet.).

2. The Complaint was served on Maricopa County on October 30, 2023, Defendants Penzone, Dimas, Hawkins, Hertig, Martin, Montano, Moody, Park, and Smith

1 were served on October 31, 2023, and Defendants Chester, Rainey, and Marsland were
2 served on November 21, 2023. The remaining Defendants have yet to be properly served.

3
4 3. This Notice of Removal is being filed within 30 days after service of the
5 Complaint and is therefore timely filed under 28 U.S.C. § 1446(b).

6
7 4. The lawsuit filed in Maricopa County, among other claims, alleges the
8 violation of Plaintiff's civil rights and is brought under 42 U.S.C. § 1983 for violations of
9 the Fourth, Eighth, and Fourteenth Amendments of the United States Constitution.

10
11 5. By reason of the above facts, (a) the United States District Court has original
12 jurisdiction of this civil action pursuant to 28 U.S.C. § 1441(c). All served Defendants
13 consent to the removal of this action.

14
15 6. A Notice of Filing of Notice of Removal, a true and correct copy of which is
16 attached as Exhibit "C," has been filed in the Arizona Superior Court, County of Maricopa.

17 WHEREFORE, Defendants respectfully request that the above action now
18 pending in the Arizona Superior Court, Maricopa County, be removed to this Court
19
20 RESPECTFULLY SUBMITTED on this 29th day of November 2023.

21
22 RACHEL H. MITCHELL
23 MARICOPA COUNTY ATTORNEY

24 By: /s/Courtney R. Glynn
25 COURTNEY R. GLYNN
26 MICHAEL E. GOTTFRIED
27 Deputy County Attorneys
28 *Attorneys for Maricopa County, Sheriff Paul
Penzone, Dimas, Hawkins, Hertig, Martin,
Montano, Moody, Park, Smith, Chester,
Rainey, and Marsland*

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2023, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Clerk of the Court
United States District Court
Sandra Day O'Connor U.S. Courthouse
401 W. Washington Street
Phoenix, AZ 85003-2161

Sean A. Woods
Robert T. Mills
MILLS + WOODS LAW, PLLC
5055 North 12th Street, Suite 101
Phoenix, AZ 85014
Attorneys for Plaintiff

/s/ S.R.

S:\CIVIL\CIV\Matters\CJ\2023\Ruiz v. MC, et al. 2023-0228\Removal\NOR (fed court) .docx

From: [TurboCourt Customer Service](#)
Sent: Wednesday, November 29, 2023 2:50 PM
To: [Judith Ezeh \(MCAO\)](#); [Selena Rojas \(MCAO\)](#)
Subject: AZTurboCourt E-Filing Courtesy Notification

This Message Is From an External Sender

This message came from outside your organization. Please use caution when corresponding outside the county.

PLEASE DO NOT REPLY TO THIS EMAIL.

A party in this case requested that you receive an AZTurboCourt Courtesy Notification.

AZTurboCourt Form Set #8410450 has been delivered to Maricopa County - Superior Court.

You will be notified when these documents have been processed by the court.

Here are the filing details:

Case Number: CV2023012042 (Note: If this filing is for case initiation, you will receive a separate notification when the case # is assigned.)

Filed By: Courtney Glynn

AZTurboCourt Form Set: #8410450

Delivery Date and Time: Nov 29, 2023 2:50 PM MST

Forms:

Attached Documents:

Notice of Removal to Federal Court: Notice of Filing Notice of Removal
Exhibit/Attachment (Supporting): Exhibit

E-Service notification was sent to the following recipient(s):

Robert T. Mills at docket@millsandwoods.com

Sean A. Woods at swoods@millsandwoods.com